

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

ADDRESSING THE COMMISSION: Public comment will be taken for each regular agenda item as each item is discussed. Individuals will be limited to one comment per agenda item.

Individuals are asked to come to the microphone, sign in, and state their name. We ask that you sign in so that we can get the spelling of your name correct in the minutes of the meeting. Speakers should address all comments/questions to the Commission.

WEDNESDAY, JULY 10, 2019

Amended Agenda 07/09/19

-4:00 p.m. – WORK SESSION

-Douglas County Space Needs and Downtown Masterplan

5:30 p.m. BUSINESS MEETING

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of rejection of bids for Project No. 2019-12: E 1750 Road Improvements North of Route 12 (Keith Browning);
- (c) Consider approval to proceed with process to rescind Minimum Maintenance Designation on N 100 Road (Keith Browning/Kevin Sontag);
- (d) Consider acquisition of permanent easement for ditch improvements (Project No. 2019-24) (Keith Browning/Kevin Sontag);
- (e) Consider adopting a Resolution consenting to the assignment of AGNL Plastics, L.L.C. to CF Alpha & Golf KS Propco LLC of its interest in the Lease and related documents entered into in connection with the issuance of the Douglas County, Kansas Taxable Industrial Revenue Bonds, Series 2012 (Berry Plastics Project); and authorizing the execution of an Assignment and Assumption Agreement, Ground Lessor Estoppel and certain other documents and actions in connection therewith (Sarah Plinsky); and
- (f) Accounts payable.

REGULAR AGENDA

- (2) Consideration of changes to 826 Pennsylvania Street NRA Plan (Britt Crum-Cano)
- (3) Consider approval for construction of ADA-accessible trail in Ivan Boyd Prairie Preserve (Keith Browning)
- (4) Continue discussion of the 2020 Budget
- (5) General Public Comment
General Public Comment will be at the end of each meeting with a limit of one comment per person and keep their comments brief. Individuals may not give unused time to other speakers. As a general practice, the Commission will not discuss/debate these items, nor will the Commission make decisions on items presented during this time, rather they will refer the items to staff for follow up, if necessary.
- (6) Committee Reports
- (7) Commissioner and/or Administrator Miscellaneous
- (8) Adjourn

WEDNESDAY, JULY 17, 2019

5:30 p.m. – REGULAR SESSION

-CUP-19-00219: Consider a Conditional Use Permit for EZ Storage, a *Boat Storage* and *Mini-Storage* facility, located at 1803 E 1200 Rd. Submitted by Anthony Fanello, property owner of record. (Mary Miller)

WEDNESDAY, JULY 24, 2019

-No Work Session

WEDNESDAY, JULY 31, 2019

WEDNESDAY, AUGUST 7, 2019 - cancelled

WEDNESDAY, AUGUST 14, 2019

WEDNESDAY, AUGUST 21, 2019

WEDNESDAY, AUGUST 28, 2019

-Proclamation for "First Responders Appreciation Month"

WEDNESDAY, OCTOBER 2, 2019- cancelled

Note: The Douglas County Commission meets regularly on Wednesdays at 5:30 p.m., and at 4:00 p.m. for Work Sessions as needed. Meetings are held at the Douglas County Courthouse (2nd Floor) at 1100 Massachusetts Street, Lawrence, KS 66044. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

DOUGLAS COUNTY MASTERPLAN

Commissioners' Study Session

7.10.2019

AGENDA

**SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION**

SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

SCOPE OF STUDY

Courthouse



Judicial and Law Enforcement Center (JLE)



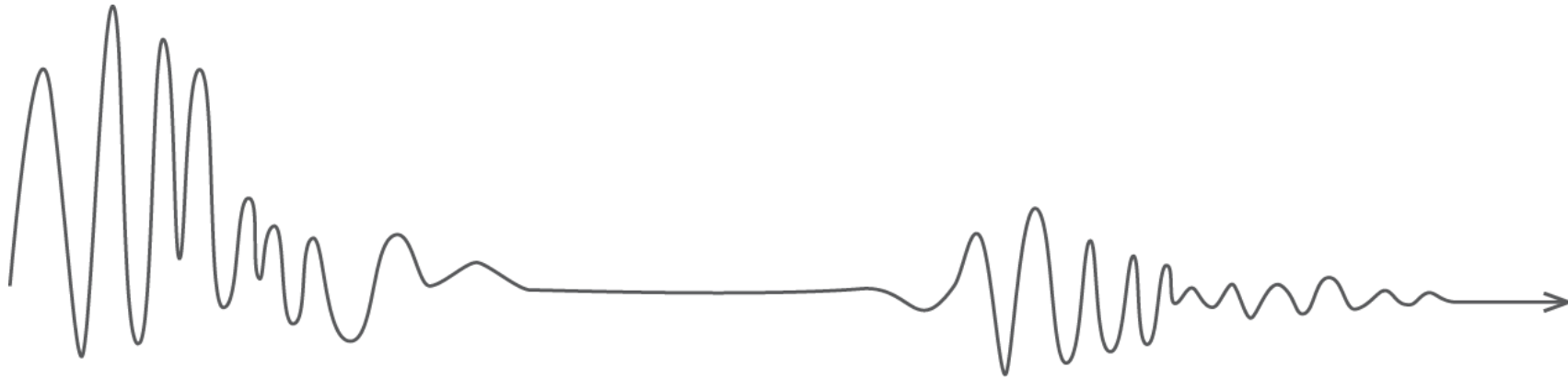
South Building



SCOPE OF STUDY
PROCESS

REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

EVOLUTION OF
SOLVING A COMPLEX
DESIGN CHALLENGE



INFORMATION
AVAILABLE FOR
PLANNING CAPITAL
EXPENSES

SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

REQUESTED FEEDBACK TODAY

1. Is a **modern, best-practices courthouse** a priority for Douglas County?
2. How would the **District Attorney's Office design** really work?
3. Which **departments** could move from downtown? Sheriff? Elections?
4. Should we masterplan a **solution** based on feedback from the **D.A.'s** office and the **Sheriff moving out** first?

SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

2017

2018

DESIGN EVOLUTION

07.13.2017
Space Needs Study Kick-Off

12.11.2017
Space Needs Study Final Report

space needs study

gouldevans

DRAFT 7/3/19

SPACE NEEDS STUDY SUMMARY

In 2017, we were hired to do a **space study** to **evaluate**:

1. Space needs for current and future staff
2. How to use current real estate to evaluate today's need
3. Understand perceived safety issues
4. Recognize the change that was inevitable with the police moving out
5. Parking – many concerns over lack of parking

OUTCOMES : EXECUTIVE SUMMARY

For example, the D.A. continues exceed growth projections



For example, the Pro Tem Court renovation, which costed a total of \$515,000



We will be comparing 2 options: **adding a level to JLE** while **keeping all departments within**, and a more **time & cost-effective solution**



- Through department interviews, touring your facilities, reviewing existing drawings, meeting with the Historic Resources Commission and many discussions, one thing is clear – **the problem is complex**
- Your downtown buildings are out of room, resulting in **immediate space needs**
- Current solutions to space needs are reactive, thus result in **less-than-ideal** solutions including leasing costs and staff not being co-located
- A masterplan is recommended and would provide you with a **solution and implementation strategy** aligning with your goals

OUTCOMES : WHO COULD MOVE & SPACE NEED QUANTIFIED

Our space needs study identified **9 possible** candidates for relocation:

- **Elections**
- Motor Vehicle
- Community Corrections
- Maintenance
- I.T.
- Court Trustee
- Sheriff (excluding JLE security)
- Emergency Management & Communications

SPACE NEEDS TARGET
16,000 SF by 2027 *

*all but elections

2017

2018

DESIGN EVOLUTION

07.13.2017
Space Needs Study Kick-Off

12.11.2017
Space Needs Study Final Report

05.15.2018
Proposition 1 Defeated

08.20.2018
Design work begins for new
police headquarters

10.25.2018
Massachusetts St. triple homicide
suspect appears in court

11.06.2018
(revised) Proposition 1 Approved

10.10.2018
Space Needs Presented to Commission

space needs study

gouldevans

DRAFT 7/3/19

SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

2017

2018

2019

DESIGN EVOLUTION

07.13.2017
Space Needs Study Kick-Off

12.11.2017
Space Needs Study Final Report

05.15.2018
Proposition 1 Defeated

08.20.2018
Design work begins for new
police headquarters

10.10.2018
Space Needs Presented to Commission

11.06.2018
(revised) Proposition 1 Approved

10.25.2018
Massachusetts St. triple homicide
suspect appears in court

01.18.2019
Courthouse Design Meeting

06.10.2019
Re-trial begins for triple
homicide on Massachusetts St.

space needs study

gouldevans

masterplan

MEETINGS

01.18.19	District Court Judges Meeting
01.22.19	Historic Courthouse Department Heads
02.05.19	HRC Walk-Through with Lynne Zollner
02.19.19	Community Corrections
02.20.19	Clerk of the Court
02.22.19	Sheriff's Office
02.25.19	Walk-Through of Juvenile Detention Center and 1006 N.H.
03.11.19	Review with Douglas County Leadership
03.28.19	Review with Douglas County Leadership
04.10.19	Review with Douglas County Leadership

SPACE NEEDS TARGET
16,000 SF by 2027

1

**Historic Courthouse
Renovation**

All departments remain

2

JLE Option A

Police Department, Court
Trustee, Community
Corrections, and Sheriff
all relocate

3

JLE Option B

Police Department
relocates

All other departments
remain

4

New South Building

Depending on feedback,
there are options to
better utilize this building

MASTER PLAN OPTION A



Historic Courthouse Renovation

+



JLE Option A

+



New South Building

MASTER PLAN OPTION B



Historic Courthouse Renovation

+



JLE Option B

+

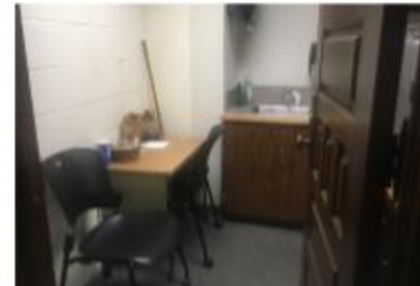
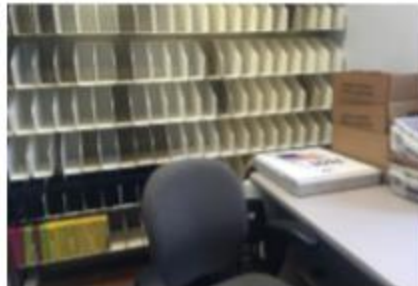


Lease Space for Elections Facility

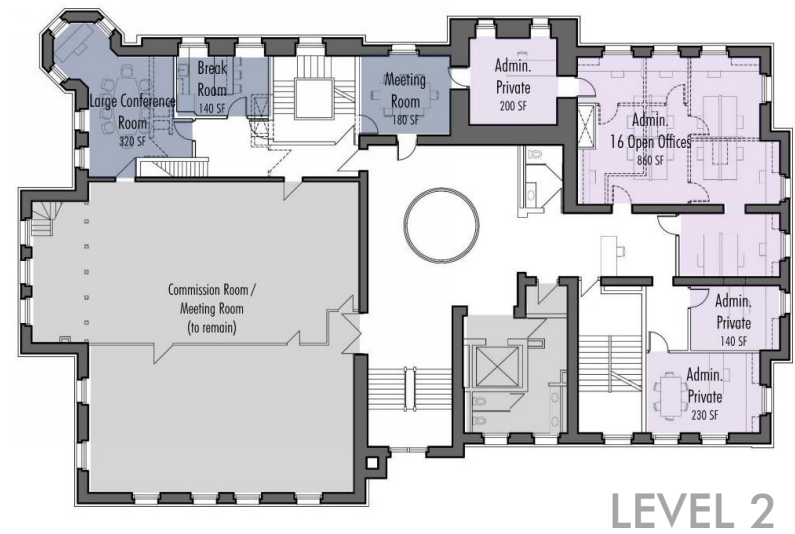
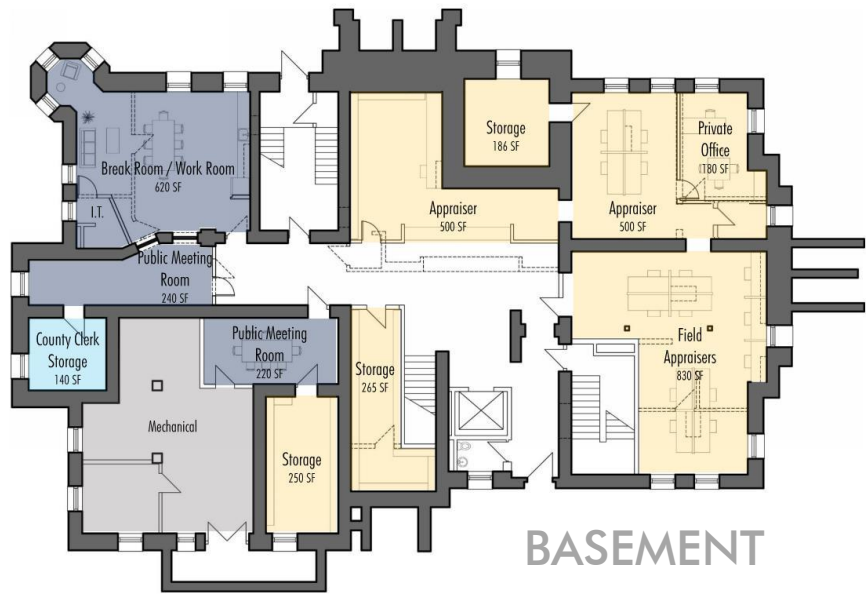
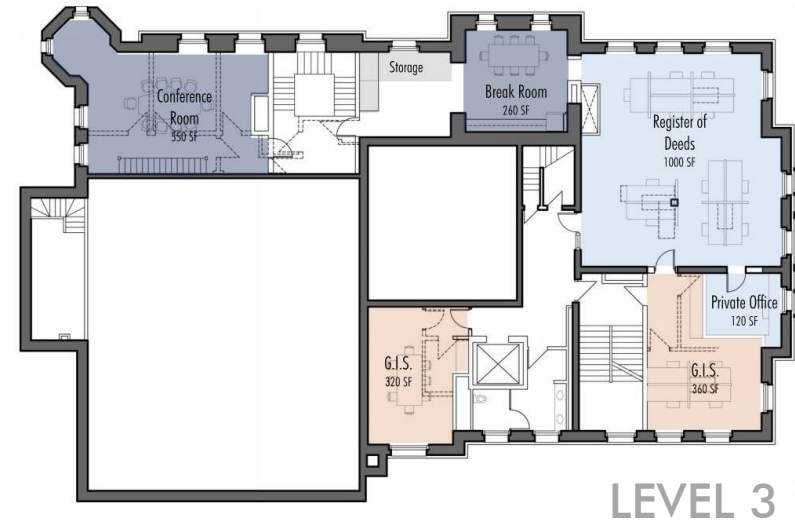
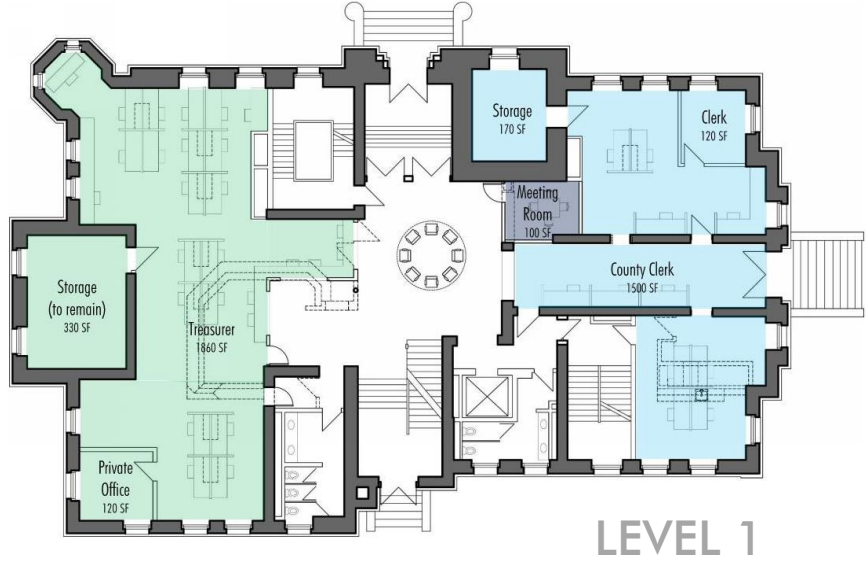
SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

CURRENT CONDITIONS ANALYSIS – HISTORIC COURTHOUSE

- Inefficient spaces
- Unneeded private offices
- In need of meeting space
- Digitization of files



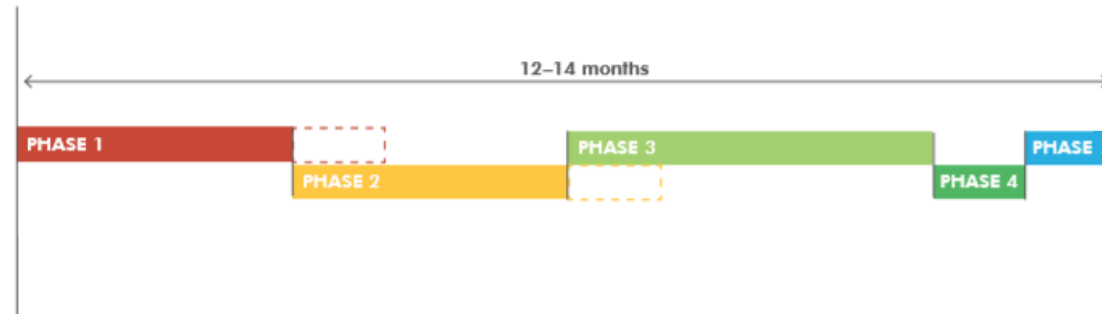
HISTORIC COURTHOUSE – PLAN DIAGRAMS



WORKING WITH B.A. GREEN – CONSTRUCTION PHASING

Historic Courthouse

12-14 MONTHS



WORKING WITH B.A. GREEN – CONSTRUCTION COST ESTIMATING

Historic Courthouse

RENOVATION: \$1.3M



SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

MEETINGS

01.18.19	District Court Judges Meeting	led by:
01.22.19	Historic Courthouse Department Heads	
02.05.19	HRC Walk-Through with Lynne Zollner	
02.19.19	Community Corrections	
02.20.19	Clerk of the Court	
02.22.19	Sheriff's Office	
02.25.19	Walk-Through of Juvenile Detention Center and 1006 N.H.	
03.11.19	Review with Douglas County Leadership	
03.28.19	Review with Douglas County Leadership	
04.10.19	Review with Douglas County Leadership	



Melissa Farling

FAIA, LEED AP

30+ year courts design expert

SEPARATE CIRCULATION:

PUBLIC
SECURE (HOLDING)
RESTRICTED (JUDGES/STAFF)

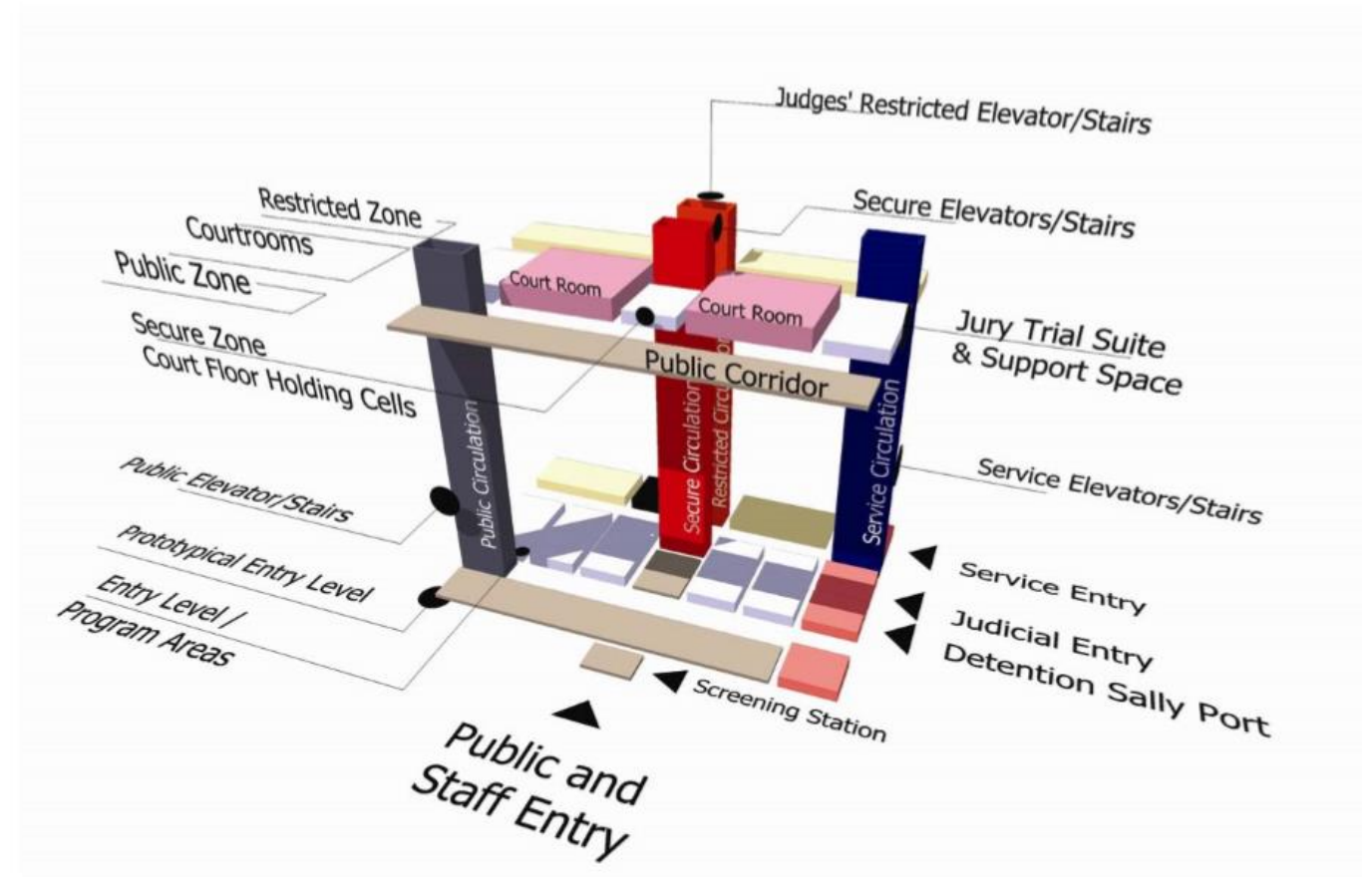
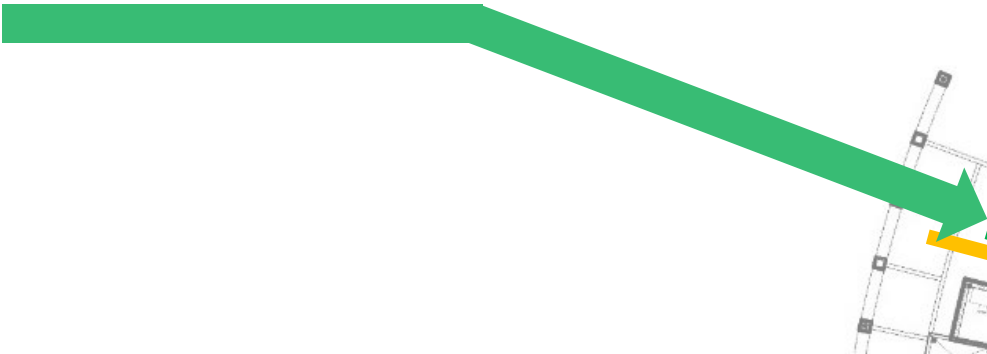


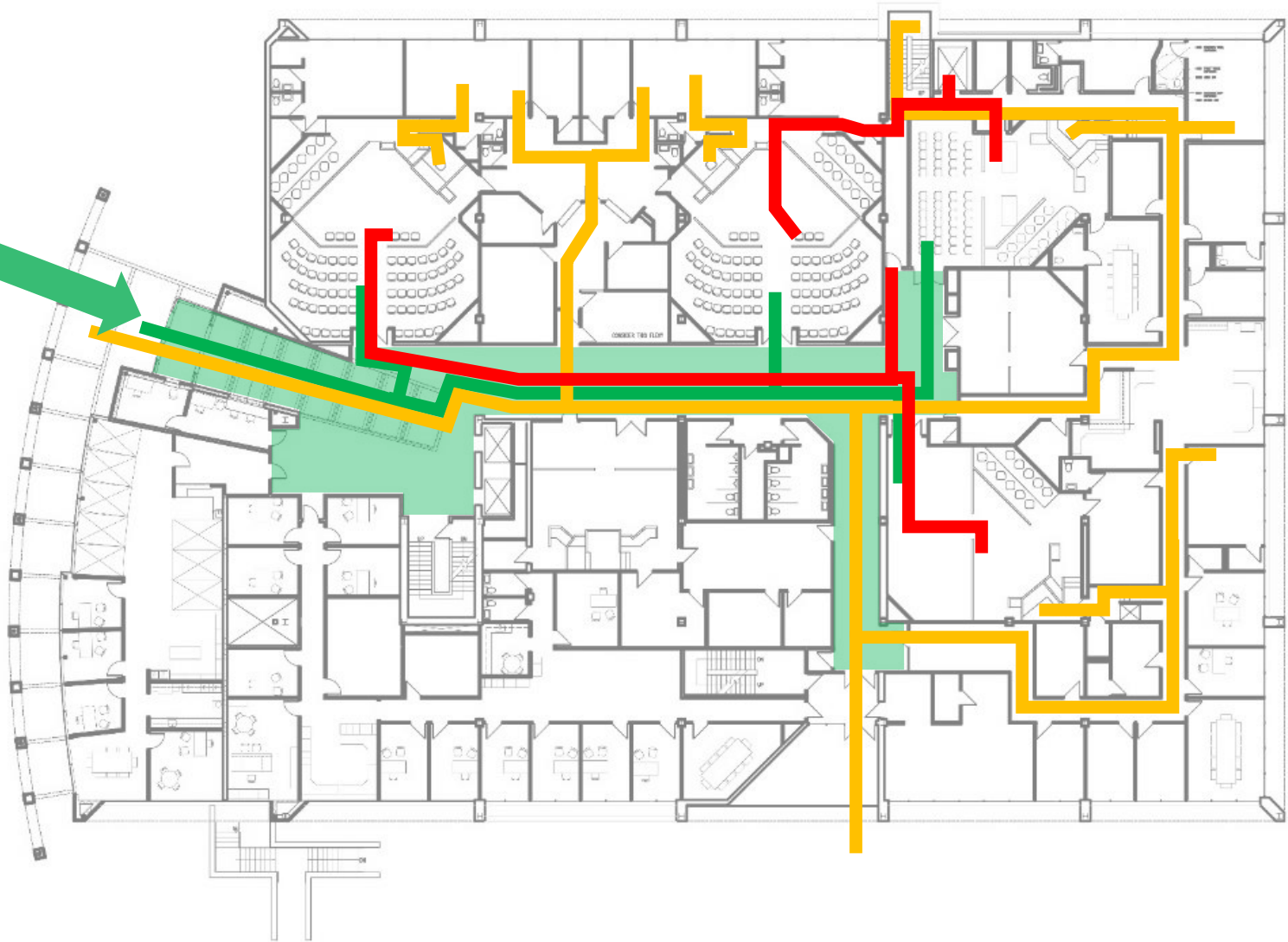
Diagram from the US Courts Design Guide

EXISTING JLE CIRCULATION

MAIN PUBLIC CORRIDOR



- PUBLIC
- SECURE
- RESTRICTED



THE STAFF HAVE BEEN MAKING DO WITH THIS BUILDING

THE HONORABLE PEGGY KITTEL : TO SPEAK FROM EXPERIENCE



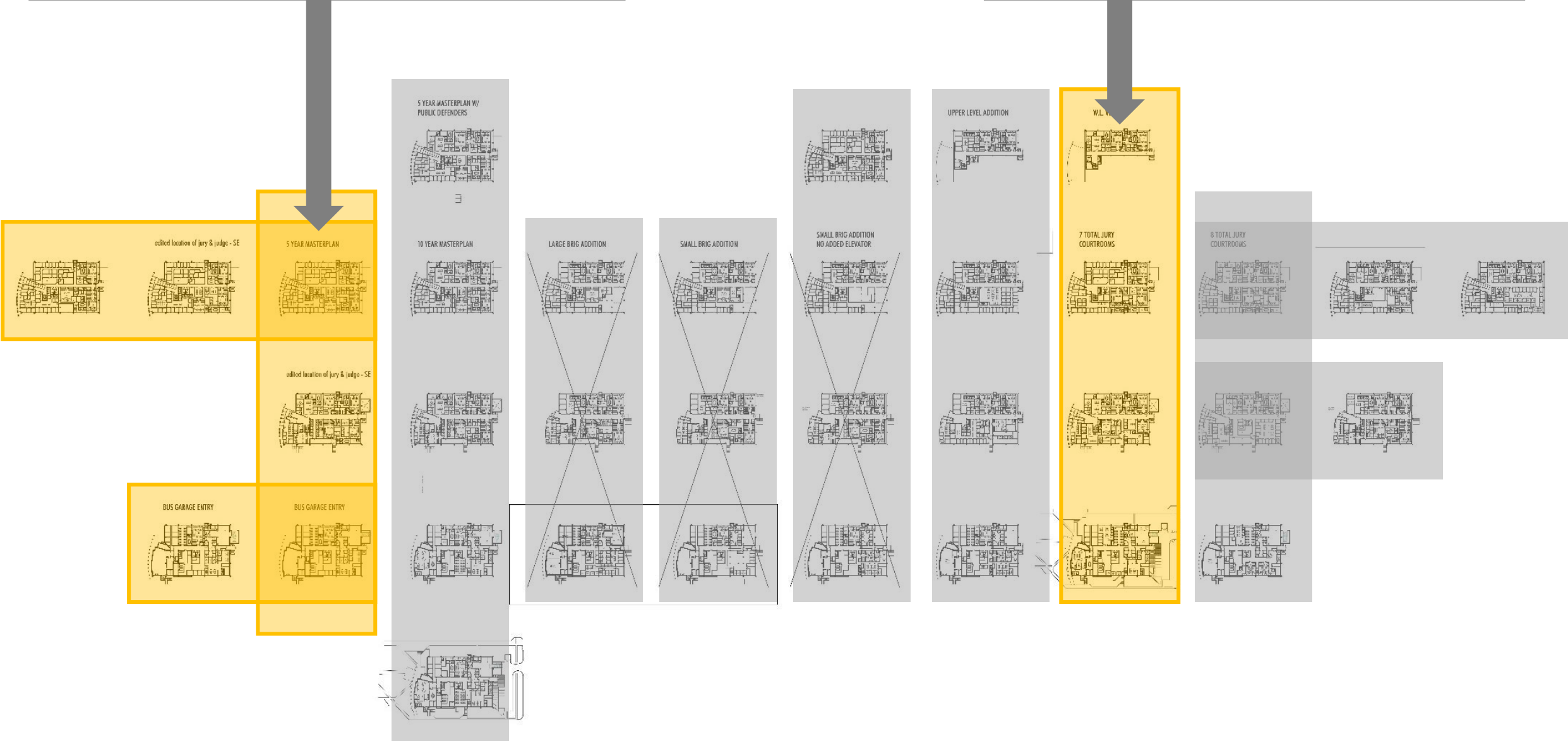
STRATEGIES FOR SOLVING THE PROBLEMS...

...ARE MANY



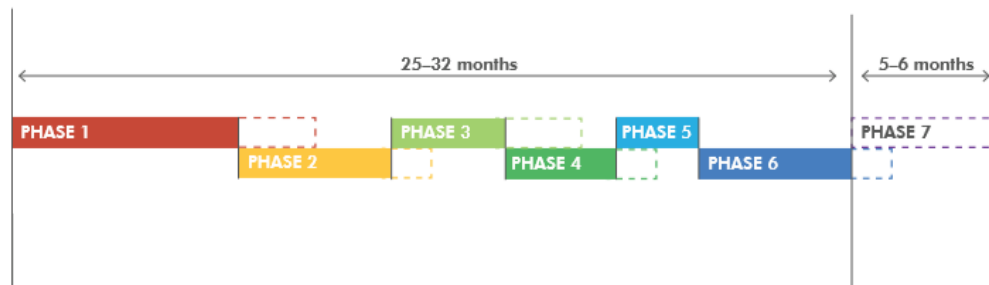
OPTION A: NO ADDED LEVEL

OPTION B: ADDED LEVEL 3



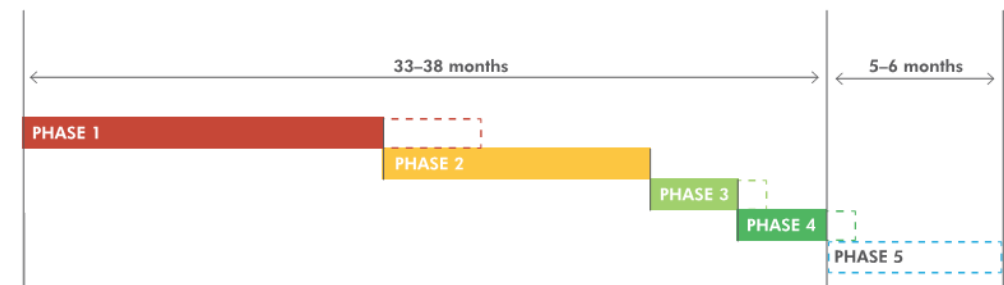
WORKING WITH B.A. GREEN – CONSTRUCTION PHASING...

OPTION A: 25-38 MONTHS



7 TOTAL PHASES

OPTION B: 33-44 MONTHS



5 TOTAL PHASES

WORKING WITH B.A. GREEN – CONSTRUCTION COST ESTIMATING

OPTION A: \$12.8M



OPTION B: \$18.8M



THE RESULTS... MEET BEST PRACTICES CIRCULATION



OPTION A:

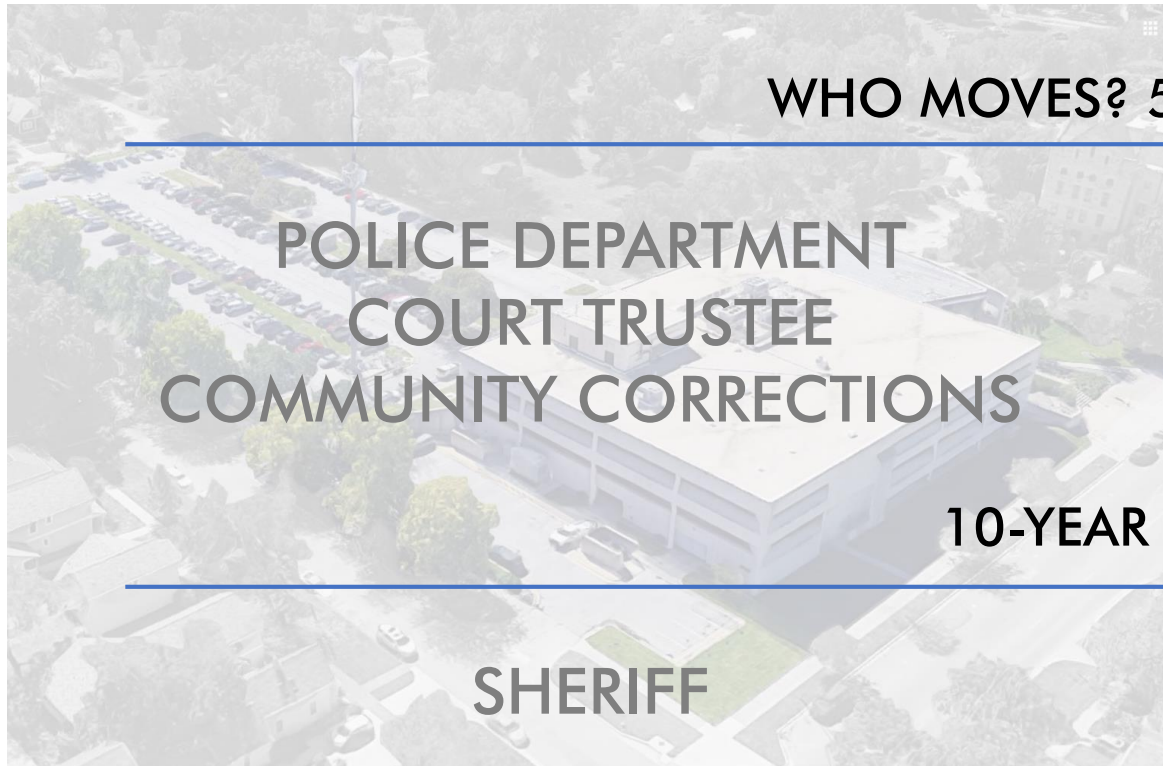


OPTION B:



THE RESULTS... DEPARTMENTAL MOVES

OPTION A:



OPTION B:



SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

SOUTH BUILDING

- OPTIONS:
- Sell
 - Build new
 - Keep as-is



NEW BUILDING: \$4.4M



2017

2018

2019

2020

DESIGN EVOLUTION

07.13.2017
Space Needs Study Kick-Off

12.11.2017
Space Needs Study Final Report

05.15.2018
Proposition 1 Defeated

08.20.2018
Design work begins for new
police headquarters

10.25.2018
Massachusetts St. triple homicide
suspect appears in court

11.06.2018
(revised) Proposition 1 Approved

10.10.2018
Space Needs Presented to Commission

01.18.2019
Courthouse Design Meeting

06.10.2019
Re-trial begins for triple
homicide on Massachusetts St.

INFORMATION
AVAILABLE FOR
PLANNING CAPITAL
EXPENSES

SUMMER 2019

Opinion on ideal location
for the Sheriff evolved

DA has exceeded growth
projections

What design could lead to
simpler phasing?

space needs study

masterplan

JLE expanded

DRAFT 7/3/19

SCOPE OF STUDY
PROCESS
REQUESTED FEEDBACK
SPACE NEEDS SUMMARY
MASTERPLAN PROCESS
HISTORIC COURTHOUSE
JLE BUILDING
SOUTH BUILDING
DISCUSSION

DISCUSSION

1. Is a **modern, best-practices courthouse** a priority for Douglas County?
2. How would the **District Attorney's Office design** really work?
3. Which **departments** could move from downtown? Sheriff? Elections?
4. Should we masterplan a **solution** based on feedback from the **D.A.'s** office and the **Sheriff moving out** first?



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : July 2, 2019

Re : Consent Agenda rejection of bids for Project No. 2019-12
E 1750 Road improvements north of Route 12

We opened bids on June 28 for a project to improve E 1750 Road (N 1st Street in Baldwin City) north of Route 12 (State Lake Road in Baldwin City). We received two bids, both of which are significantly higher than the Engineer's Estimate

Bidder	Bids
<i>Engineer's Estimate</i>	<i>\$443,855.50</i>
RD Johnson	\$669,972.00
Bettis Asphalt	\$738,599.40

In accordance with K.S.A. 68-521, a contract cannot be let since both bids exceed 110% of the Engineer's Estimate.

We will work with Baldwin City and Palmyra Township on how best to approach this project given the very high bids. You will recall we have a 3-party agreement with those entities for this project. Baldwin City has formed a city benefit district to offset some of its costs for the project.

Action Required: Reject the bids received June 28, 2019 for construction of Project No. 2019-12, improvements to E 1750 Road north of Route 12.



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer
Kevin R. Sontag, P.S., County Surveyor

Date : July 2, 2019

Re : Consent Agenda consideration to proceed with process to rescind Minimum Maintenance designation on N 100 Road from 660E to 700E in Marion Township

The Board of Highway Commissioners of Marion Township has requested Douglas County rescind the "Minimum Maintenance" designation currently in effect for a portion of N 100 Road between 660E and 700E. Per the standard process, Marion Township held a public hearing to accept comments regarding a required recommendation to be made to the Board of County Commissioners on the matter. The recommendation from Marion Township to rescind the "Minimum Maintenance" designation for the portion in question of N 100 Road is attached.

The next step requires the Board of County Commissioners to receive the recommendation and direct Public Works to proceed with the standard process. We will then perform a traffic count study, prepare maps and other documents, and ultimately bring a "Request for Recommendation" resolution for the Board's consideration to continue the process.

Action Required: Receive the recommendation from Marion Township to rescind the "Minimum Maintenance" designation on a portion of N 100 Road. Consider, by consent, directing Public Works to proceed with the process of rescinding the designation.

BOARD OF HIGHWAY COMMISSIONERS OF MARION TOWNSHIP

CERTIFICATE OF OPINION

We, the undersigned Board of Highway Commissioners of Marion Township, having held a public hearing and taken comments on that portion of N 100 Road (Permanent Road Record No. 394) from 660E to 700E, located along the north line of the Northeast Quarter (NE ¼) of Section 14, Township 15 South, Range 18 East of the Sixth Principal Meridian in Douglas County, Kansas, the centerline of which is more particularly described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 14, Township 15 South, Range 18 East of the 6th P.M., Douglas County, Kansas; thence east 8.44 chains (557 feet) to the point of beginning; thence east 31.56 chains (2083 feet), more or less, to the northeast corner of said Northeast Quarter and the point of termination;

are of the opinion the "Minimum Maintenance" designation for said road portion should:

(check box)

☒ be rescinded as described.

☐ not be rescinded.

☐ have only a portion rescinded described as follows:

BOARD OF HIGHWAY COMMISSIONERS
OF MARION TOWNSHIP

Todd Goodyear, Township Trustee

Bernie Faust, Township Treasurer

Frank Rhodes, Township Clerk



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer
Kevin R. Sontag, P.S., County Surveyor

Date : July 2, 2019

Re : Consent Agenda: Consider acquisition of permanent easement for
ditch improvements (Project No. 2019-24)

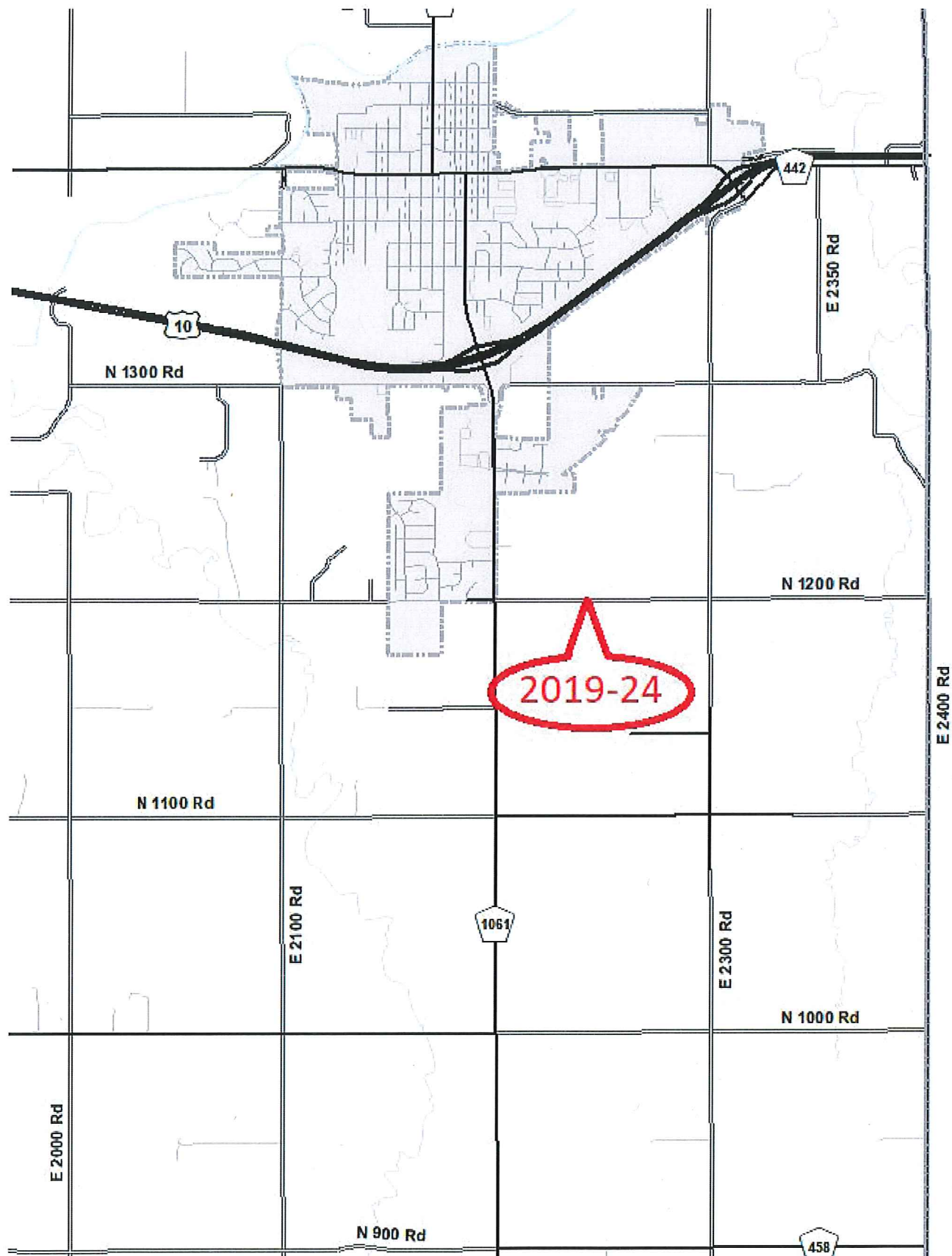
A project has been designed to improve the ditches on N 1200 Road for one mile east of County Route 1061 near the southeast corner of Eudora. This stretch of N 1200 Road has areas where ditches are poorly defined or virtually non-existent. The ditches will be refined and improved so that they not only control water flow but be a safety improvement for drivers along the road. Plans were developed in-house and negotiations with the landowners for permanent easement are complete.

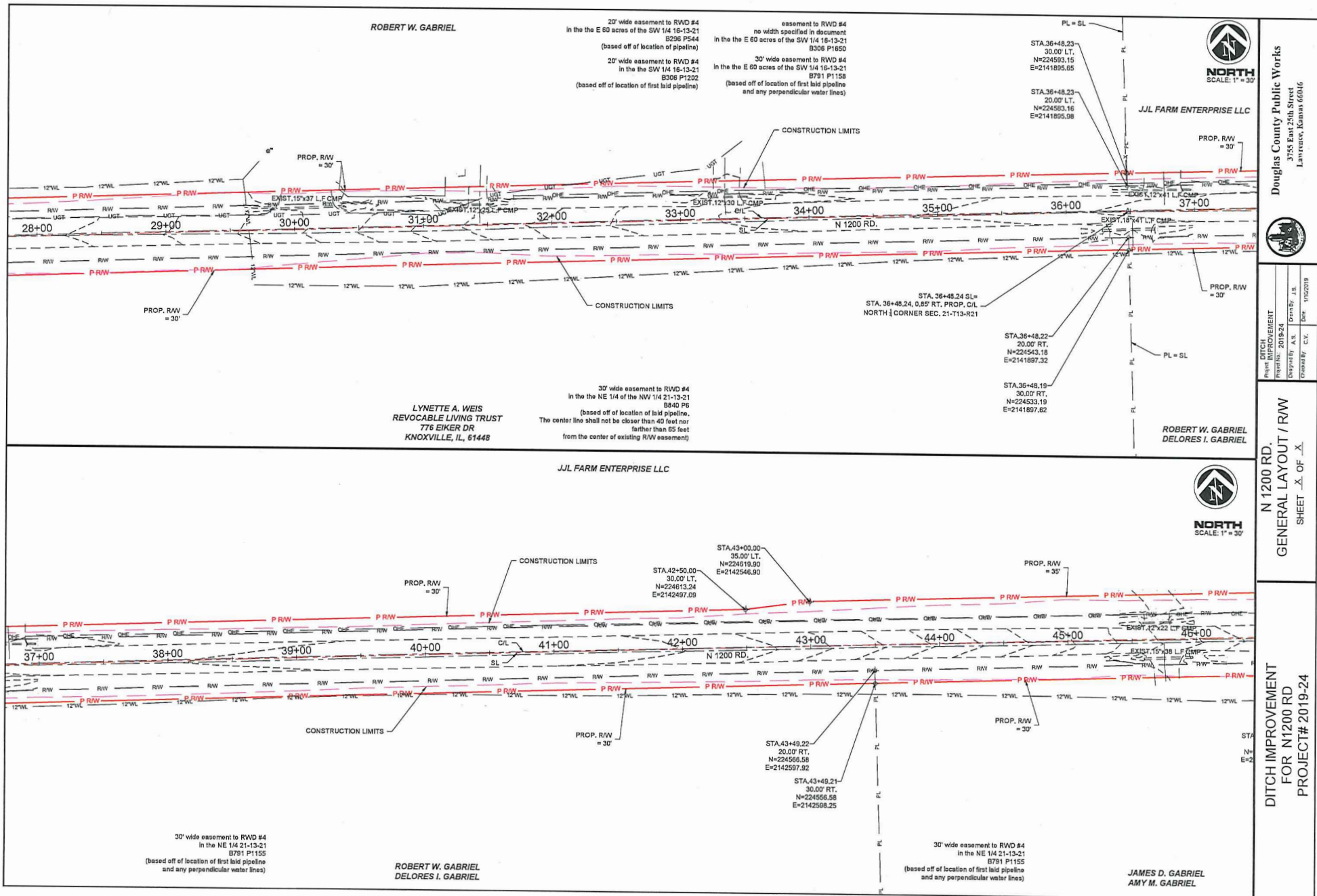
Construction is currently planned to begin summer 2019 and will be accomplished by County personnel.

To ensure the proper completion of a necessary construction project, approval is recommended for the attached CONTRACTS FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda consideration for approval of CONTRACTS FOR HIGHWAY PURPOSES for Project No. 2019-24.

General Location Map for Project No. 2019-24





Douglas County Public Works
3755 East 25th Street
Lawrence, Kansas 66046

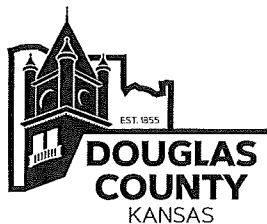


PROJECT: DITCH IMPROVEMENT
DATE: 2019-24
DESIGNED BY: J.B.
CHECKED BY: C.V.
DATE: 11/12/2019

N 1200 RD.
GENERAL LAYOUT / R/W
SHEET 2 OF 2

DITCH IMPROVEMENT
FOR N1200 RD
PROJECT# 2019-24

JAMES D. GABRIEL
AMY M. GABRIEL



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
splinsky@douglascountyks.org

Sarah Plinsky
Interim County Administrator

Memorandum

TO: The Board of County Commissioners

FROM: Sarah Plinsky, Interim County Administrator

SUBJECT: Consider adopting a Resolution consenting to the assignment from AGNL Plastics, L.L.C. to CF Alpha & Golf KS Propco LLC of its interest in the Lease and related documents entered into in connection with the issuance of the Douglas County, Kansas Taxable Industrial Revenue Bonds, Series 2012 (Berry Plastics Project); and authorizing the execution of an Assignment and Assumption Agreement, Ground Lessor Estoppel and certain other documents and actions in connection therewith.

DATE: July 3, 2019

Douglas County issued Taxable Industrial Revenue Bonds (IRB) in 2012 for the purposes of acquiring, construction, improving and equipping a warehouse and manufacturing facilities for the Berry Plastics project. The County has fee title to the project and leased the project to AGNL Plastics. The County and Packerware, LLC, the subtenant, entered into a Payment In Lieu of Taxes (PILOT) agreement for the IRB. AGNL is selling its rights, title, and interest in this project to DF Alpha and Golf KS Propco LLC. DF Alpha and Golf KS Propco LLC will be subject to all of the requirements of the agreement. This transfer requires the consent of the County.

RESOLUTION NO. _____

**A RESOLUTION CONSENTING TO THE DELIVERY OF AN
ASSIGNMENT AND ASSUMPTION OF LEASE, GROUND
LESSOR ESTOPPEL AND RELATED BOND DOCUMENTS IN
CONNECTION WITH TAXABLE INDUSTRIAL REVENUE
BONDS, SERIES 2012 (BERRY PLASTICS PROJECT), OF THE
BOARD OF COUNTY COMMISSIONERS OF DOUGLAS
COUNTY, KANSAS.**

WHEREAS, Douglas County, Kansas (the "County") is a political subdivision duly organized and existing under the laws of the State of Kansas; and

WHEREAS, the County has issued its Taxable Industrial Revenue Bonds, Series 2012 (Berry Plastics Project), in the aggregate principal amount of \$20,815,385 (the "Bonds"), pursuant to a Trust Indenture dated as of September 25, 2012 (the "Indenture"), between the County and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), for the purpose of acquiring, constructing, improving and equipping certain warehouse and manufacturing facilities (the "Project"); and

WHEREAS, the County has fee title to the Project and leased the Project to AGNL Plastics, L.L.C., a Delaware limited liability Company ("AGNL"), pursuant to a Lease dated as of September 25, 2012 (the "Lease"), by and between the County and AGNL; and

WHEREAS, the County, AGNL, and Packerware, LLC (the "Subtenant") entered into a Payment in Lieu of Taxes Agreement dated as of September 25, 2012 (the "PILOT Agreement"); and

WHEREAS, the County, AGNL, the Subtenant, and the Trustee entered into various other documents relating to the Bonds (collectively, the "Other Bond Documents"), a complete set of which are contained in the Transcript of proceedings relating to the issuance of the Bonds; and

WHEREAS, AGNL is selling all of its right, title and interest in the Project to CF Alpha & Golf KS Propco LLC, a Delaware limited liability company ("Assignee") and assigning its interest in the Bonds, the Lease, the PILOT Agreement and the Other Bond Documents to Assignee pursuant to an Assignment and Assumption of Lease and Related Bond Documents among AGNL, the County and Assignee (the "Assignment and Assumption Agreement"); and

WHEREAS, pursuant to **Section 8** of the PILOT Agreement, AGNL may assign its right, title and interest in the PILOT Agreement only with the written consent of the County; and

WHEREAS, Assignee is willing to purchase all of AGNL's right, title and interest in the Project only if the County executes and delivers a Ground Lessor Estoppel related to the Lease (the "Lessor Estoppel"); and

WHEREAS, the County desires to authorize the execution and delivery of the Assignment and Assumption Agreement and the Lessor Estoppel;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

Section 1. Consent to Assignment and Assumption Agreement and Lessor Estoppel. The Governing Body of the County hereby approves the Assignment and Assumption Agreement and the Lessor Estoppel in substantially the forms presented to and reviewed by the County at this meeting, and the County is hereby authorized to execute and deliver each of such documents with such changes therein (including the dated date thereof) as shall be approved by the officials of the County executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the County's approval thereof.

Section 2. Further Authority. The Chair is hereby authorized and directed to execute and deliver the Assignment and Assumption Agreement and the Lessor Estoppel in substantially the same form as presented to the Governing Body on this date, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution for and on behalf of and as the act and deed of the County. The County Clerk is hereby authorized and directed to attest to and affix the seal of the County to the aforementioned documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force and effect from and after its adoption by the Governing Body of the County.

ADOPTED by the Governing Body of Douglas County, Kansas, this July 10, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

[SEAL]

Michelle Derusseau, Chair

Patrick Kelly, Vice Chair

Nancy Thellman, Member

Attest:

Jameson D. Shew, County Clerk

**ASSIGNMENT AND ASSUMPTION OF
LEASE AND RELATED BOND DOCUMENTS**

THIS ASSIGNMENT AND ASSUMPTION OF LEASE AND RELATED BOND DOCUMENTS (this "Agreement") is made and entered into as of [____], 2019 (the "Effective Date"), among AGNL Plastics, L.L.C., a Delaware limited liability company ("Assignor"), CF Alpha & Golf KS Propco LLC, a Delaware limited liability company (the "Assignee") and Douglas County, Kansas (the "County").

Recitals:

A. The County has previously issued its \$20,815,385 aggregate principal amount of Taxable Industrial Revenue Bonds, Series 2012 (Berry Plastics Project) (the "Bonds"), to AGNL Plastics, L.L.C., as bondowner (the "Bondowner"), pursuant to a Trust Indenture dated as of September 25, 2012 (the "Indenture"), between the County and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and used the proceeds of the Bonds to construct a Project (as defined in the Indenture).

B. The County leased the Project to the Assignor pursuant to a Lease dated as of September 25, 2012 (the "Lease"), between the Assignor and the County, and the Assignor and the County filed for record a Notice of Lease in the Office of the Register of Deeds of Douglas County, Kansas, on September 27, 2012 in Book 1092 at Page 3882-3884.

C. The County, the Assignor, and Packerware, LLC (the "Subtenant") entered into a Payment in Lieu of Taxes Agreement as of September 25, 2012 (the "PILOT Agreement") whereby the parties set forth the terms relating to tax abatement for the Project.

D. The Assignor, the County, the Trustee, and the Subtenant entered into various other documents relating to the Bonds (collectively, the "Other Bond Documents"), a complete set of which is contained in the Transcript of proceedings relating to the issuance of the Bonds (the "Transcript").

E. Assignor desires to assign and to transfer to Assignee all of Assignor's right, title, and interest in and to the Lease, the PILOT Agreement and the Other Bond Documents.

F. Assignee desires to accept such assignment, subject to the terms and conditions set forth herein.

Agreement:

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, mutually agree as follows:

1. Assignment. As of the Effective Date, Assignor does hereby grant, assign, sell, convey and set over unto Assignee the following (collectively, the "Assigned Interests"):

(a) The leasehold estate created under the Lease, together with all of Assignor's rights and interest under the Lease, which demises the Project, including the real estate situated in Douglas County, Kansas as more particularly described on **Exhibit A** attached hereto and made a part hereof, and all of Assignor's rights and interests in the Project, including the buildings, structures, improvements, fixtures, machinery and equipment situated on the real estate and all additions, alterations, modifications, and improvements thereof (collectively, the "Property");

(b) All of Assignor's rights and interest under the PILOT Agreement and the Other Bond Documents; and

(c) All of Assignor's rights and interest in the Bonds.

2. Assumption. Assignee, for itself and its successors and permitted assigns, does hereby accept the assignment of the Assigned Interests as of the Effective Date, and agrees to assume and perform, observe and discharge all of the obligations, terms, covenants and conditions to be performed or observed by Assignor under the Lease, the PILOT Agreement, the Bonds and the Other Bond Documents which accrue on or after the Effective Date, including, but not limited to, the obligation to pay rent, additional rent and any other charges payable thereunder.

3. Consent. Pursuant to **Section 8** of the PILOT Agreement, the County hereby consents to the assignment of the PILOT Agreement from the Assignor to the Assignee.

4. Notice Address. The Assignee represents that the notice address of the Assignee for purposes of the Lease, the PILOT Agreement and the Indenture is:

c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

5. Successors and Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, Assignor and Assignee and their respective successors and assigns.

6. Receipt of Transcript. Assignee hereby represents that it has received and reviewed the copy of the Transcript delivered to it by Assignor.

7. Recording. Assignee shall submit this Agreement for recording in the Office of the Register of Deeds of Douglas County, Kansas on or about the date hereof.

8. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Kansas and each party agrees to jurisdiction and venue in said state and the federal and state courts located in such state.

9. Counterparts. This Agreement may be executed and delivered in any number of counterparts, or by the parties on separate counterpart signature pages, all of which shall constitute one and the same instrument.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date.

ASSIGNOR:

AGNL PLASTICS, L.L.C.,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF _____)
) SS.
COUNTY OF _____)

This Assignment and Assumption of Lease and Related Bond Documents was acknowledged before me on _____, 2019, by _____, as _____ of AGNL Plastics, L.L.C., a Delaware limited liability company.

My appointment expires:

Notary Public

ASSIGNEE:

CF ALPHA & GOLF KS PROPCO LLC,
a Delaware limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This Assignment and Assumption of Lease and Related Bond Documents was acknowledged before me on _____, 2019, by _____, as _____ of CF Alpha & Golf KS Propco LLC, a Delaware limited liability company.

My appointment expires:

Notary Public

DOUGLAS COUNTY, KANSAS

[SEAL]

Michelle Derousseau, Chair, Board of
County Commissioners

ATTEST:

Jameson D. Shew, County Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Michelle Derousseau, the Chair of the Board of County Commissioners of Douglas County, Kansas, a political subdivision and Jameson D. Shew, the County Clerk, who are each personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said political subdivision, and such officers duly acknowledged the execution of the same to be the act and deed of said political subdivision.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

[SEAL]

Notary Public

Typed Name: _____

My commission expires _____.

CONSENT OF TRUSTEE

The Bank of New York Mellon Trust Company, N.A., as trustee, hereby acknowledges and consents to the execution and delivery of this Assignment and Assumption of Lease and Related Bond Documents dated [____], 2019, among AGNL Plastics, L.L.C., CF Alpha & Golf KS Propco LLC, and Douglas County, Kansas.

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.**

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me the undersigned, a Notary Public in and for the County and State aforesaid, came _____, _____ of The Bank of New York Mellon Trust Company, N.A., a national banking association, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said banking association, and such officer duly acknowledged the execution of the same to be the act and deed of said banking association.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

[SEAL]

Notary Public

Typed Name: _____

My commission expires _____.

EXHIBIT A

Legal Description

The following described real estate in Douglas County, Kansas:

Lot 2, Rockwall Farms Addition 2nd Plat, an addition in Douglas County, Kansas, per that certain recorded Plat of Subdivision recorded on April 8, 2011, at Book 18, Page 483, in the Office of the Register of Deeds of Douglas County, Kansas.

GROUND LESSOR ESTOPPEL

THIS GROUND LESSOR ESTOPPEL (this "Estoppel") is dated July 10, 2019 and made by DOUGLAS COUNTY, KANSAS ("Landlord") for the benefit of CF Alpha & Golf KS Propco LLC, a Delaware limited liability company ("Purchaser").

WHEREAS, Landlord has heretofore leased certain lands described on Exhibit A attached hereto (the "Property") to AGNL Plastics, L.L.C., a Delaware limited liability company ("Tenant"), which is the present tenant under that certain Lease dated September 25, 2012 (as the same has thereafter been amended, the "Lease"); and

WHEREAS, Tenant has agreed to sell, transfer, and convey to Purchaser all of Tenant's interest as tenant under the Lease in the Property;

NOW THEREFORE, in consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Landlord hereby certifies as follows:

(a) Landlord is the owner of the fee simple estate in the Property and is the lessor under the Lease. Landlord has not assigned, sublet or otherwise transferred its interest as Landlord in the Lease.

(b) Landlord has not mortgaged the fee simple estate in the Property and there are currently no fee simple mortgages, deeds of trust or other security interests encumbering the fee estate in the Property.

(c) The Lease is in full force and effect in accordance with its terms and to Landlord's knowledge no default or event which, with the passage of time or the giving of notice or both, would constitute a default, exists on the part of the Landlord or the Tenant thereunder.

[BALANCE OF PAGE INTENTIONALLY BLANK]

WHEREAS, this Estoppel has been executed as of the date set forth above.

DOUGLAS COUNTY, KANSAS

[SEAL]

Michelle Derusseau, Chair, Board of
County Commissioners

Attest:

Jameson D. Shew, County Clerk

EXHIBIT A

Legal Description

Lot 2, Rockwall Farms Addition 2nd Plat, an addition in Douglas County, Kansas, per that certain recorded Plat of Subdivision recorded on April 8, 2011, at Book 18, Page 483, in the Office of the Register of Deeds of Douglas County, Kansas.

Memorandum

City of Lawrence

City Manager's Office

TO: Thomas M. Markus, City Manager
CC: Casey Toomay, Assistant City Manager
FROM: Britt Crum-Cano, Economic Development Administrator
Diane Stoddard, Assistant City Manager
DATE: July 2, 2019
RE: **Proposed 826 Pennsylvania Street NRA Plan Revisions**

Background:

The City Commission approved an NRA Plan for 826 Pennsylvania Street on November 15, 2016. At that time, an affordable housing provision was being considered as part of an update to the City's economic development policy, but it was not yet in place.

Since two 1-bedroom units were being proposed for affordable housing as part of the project, the City Commission sent the 826 Pennsylvania Street NRA request to the Affordable Housing Advisory Board (AHAB) for review and recommendation. At their October 10, 2016 meeting, AHAB voted (7-0) to recommend the City Commission approve the NRA for the project. At that meeting, staff asked the board to assist City staff in developing a plan to monitor affordable units during the incentive period and agreed extended affordability period. Shannon Oury from AHAB agreed to assist staff in determining the information required to certify and monitor the affordable units.

The City's economic development policy was updated and adopted January 15, 2017. This update included an affordable housing provision specifying a percentage of units to be set-aside for affordable housing if the project included four (4) or more residential units. At this time, AHAB was still working on defining affordable housing and related requirements.

On March 1, 2019, Staff received the first annual application for NRA rebate (for the 2018 tax year) from 826 Pennsylvania Street. The Owner provided additional documentation with the application which indicated that one of the tenants occupying an affordable housing unit had a change in income toward the end of 2018 as a result of getting a new job.

At the time the NRA Plan was drafted, it did not contemplate various tenant scenarios that might impact affordable housing compliance. Staff has since consulted and worked with Shannon Oury of the Lawrence Douglas County Housing Authority (LCDHA) and Tom Jackson of the National Development Council (NDC) to draft additional affordable housing guidelines that accommodates tenant changes as well as keeps with the intent of the affordable housing program and goals. Proposed Plan revisions incorporate those

guidelines and are intended to clarify reporting and compliance requirements related to affordable housing.

Overview of NRA Plan Revisions:

- Part 10, Paragraph 2B was rewritten to add clarification on tenant eligibility and certification requirements
- Part 10, Paragraph 2C was added to address potential proration of rebate/reimbursement based on a minimum time requirement unit is to be occupied by an eligible tenant.
- Exhibit B, the *Annual NRA Rebate Application & Compliance Certification* form was redesigned to align with new affordable housing reporting requirements
- References to Exhibit B were updated throughout the Plan to align with the form's revised title.
- Edits for formatting and usage consistency, added by Deputy City Attorney, Randy Larkin. Note these additions were not reviewed by PIRC or AHAB, but do not make substantive changes to the NRA Plan.

Actions to Date:

May 7, 2019—City Commission received the proposed revisions to the 826 Pennsylvania Street NRA Plan, adopted November 15, 2016 by Ordinance No. 9304, clarifying administration and compliance requirements for affordable housing. The changes were then referred to the Public Incentives Review Committee (PIRC) and Affordable Housing Advisory Board (AHAB) to review and provide recommendations.

May 13, 2019—AHAB reviewed revisions to the 826 Pennsylvania Street NRA Plan and voted 10-0, with two recusals, to recommend the City, County and School Board approve the revisions clarifying administration and compliance requirements for affordable housing.

June 11, 2019—PIRC reviewed revisions to the 826 Pennsylvania Street NRA Plan and voted 6-0, with one recusal, to recommend the City, County and School Board approve the revisions clarifying administration and compliance requirements for affordable housing.

Future Actions:

July 8, 2019—USD 497 School Board to receive recommendations from the Public Incentives Review Committee (PIRC) and consider approving an amendment to the 826 Pennsylvania Street NRA Plan, adopted November 15, 2016 by Ordinance No. 9304, clarifying administration and compliance requirements for affordable housing.

July 10, 2019—County Commission to receive recommendations from the Public Incentives Review Committee (PIRC) and consider approving an amendment to the 826 Pennsylvania Street NRA Plan, adopted November 15, 2016 by Ordinance No. 9304, clarifying administration and compliance requirements for affordable housing.

Recommendation:

Receive recommendations from the Affordable Housing Advisory Board (AHAB) and the Public Incentives Review Committee (PIRC) on changes to the 826 Pennsylvania Street

NRA Plan and consider authorizing changes to clarify administration and compliance requirements for affordable housing by adopting on first reading Ordinance No. 9688.

Action:

Receive recommendations from the Affordable Housing Advisory Board (AHAB) and the Public Incentives Review Committee (PIRC) on changes to the 826 Pennsylvania Street NRA Plan and authorize changes to clarify administration and compliance requirements for affordable housing by adopting on first reading Ordinance No. 9688.

Attachments:

- Staff Memo-826 Pennsylvania Street NRA
- 10-10-16 AHAB Meeting Minutes
- 5-13-19 AHAB Meeting Minutes
- 6-11-19 PIRC Meeting Minutes (draft)
- 826 Pennsylvania Street NRA Plan & Agreements (original)
- Proposed 826 Pennsylvania Street NRA Plan Revisions
- Draft LDCHA Services Proposal
- Ordinance No. 9688, Plan Amendment

City of Lawrence
Affordable Housing Advisory Board
October 10, 2016 minutes

MEMBERS PRESENT: Rebecca Buford, John Harvey, Dana Ortiz, Shannon Oury, Tim Stultz, Matt Sturtevant, Nancy Thellman

MEMBERS ABSENT: Emmanuel Birdling, Stuart Boley

STAFF PRESENT: Casey Toomay, Assistant City Manager; Diane Stoddard, Assistant City Manager; Britt Crum-Cano, Economic Development Coordinator; Scott McCullough, Director of Planning and Development Services; Jeff Crick, Planner II; Danelle Dresslar, Community Development Manager; Brad Karr, Community Development Programs Analyst

Chair Matt Sturtevant called the meeting to order at 11:02 am.

1. Approve minutes from September 12, 2016 meeting

John Harvey moved to approve the meeting minutes from September 12, 2016. Rebecca Buford seconded the motion. The motion passed 7-0.

2. Public Comment

There was no public comment.

3. Monthly Financial Report - August

Casey Toomay presented the board with the August Financial Report for the AHAB.

4. Consider letter of support for the United Way's application for Kansas Health Foundation Grant

Erika Dvorske, President and CEO of the United Way of Douglas County, spoke to the board about the United Way's application for the Kansas Health Foundation Grant. As part of the application process, the United Way underwent an evaluation on building its capacity. The United Way plans to build capacity in fund raising and program evaluation with emphasis on a particular housing program targeting a narrow subset of the population. The target group would be individuals on Medicaid, Medicare or are uninsured who are frequent emergency department users for non-emergent care. There would be an estimated 180 to 200 individuals targeted in this program.

Toomay presented the board with a draft [letter of support](#) that would be on the October 11, 2016 City Commission agenda for approval.

Shannon Oury moved to recommend forwarding the letter of support to the City Commission for approval. Nancy Thellman seconded the motion. The motion passed 7-0.

5. Review and consider recommendation of project:

Britt Crum-Cano gave the board an overview of the reason for the AHAB to review these projects, and reminded the board the changes to the economic development policy have not been approved yet.

1. Robert Schumm - multi-level, mixed use commercial and residential development at approximately 815 Vermont St.

- a. [Original Staff Memo & Attachments](#); 6/7/16 City Commission Action: Defer the request back to staff.
- b. [Reconsideration request Staff Memo & Attachments](#); 7/5/16 City Commission Action: Receive request; refer to staff for gap analysis, specifying the Neighborhood Revitalization Area rebate percentage level and duration that can be examined; require the applicant to enter into a funding agreement with the City to cover the cost of gap analysis; and, refer request to the Affordable Housing Advisory Board and Public Incentives Review Committee for review and recommendation.

Robert Schumm gave the board an overview of his proposed project, which would include one unit to be sold at below market rate to an income qualified buyer. The first floor is currently anticipated to be commercial space, the second floor offices, and floors 3-5 condominiums. The project would include a total of twelve condo units and a twenty two space underground parking garage. The 600 square foot affordable unit would list for \$98,000 and use a deed restriction to remain permanently affordable. The total subsidy on the affordable unit would be \$149,728 (\$38,000 on construction, \$60,000 in finishing charges, and \$51,728 for one parking space). Buford asked about the amount of HOA fees for the affordable unit. Schumm indicated the HOA fees have not yet been determined, but could be estimated at around \$200/month. If the final HOA amount puts the unit out of range for a buyer at 80% of MFI, he would reduce the selling price to compensate for the fees. Harvey asked what the price points were for the market rate condo units. Schumm said the average would be around \$225 per square foot for a white box shell with no finishings. Harvey asked if the developer would be partnering with a non-profit to locate and qualify a buyer for the affordable unit. Buford said Tenants to Homeowners (TTH) and the developer do not yet have an agreement, but if so TTH would find and qualify the buyer. Buford asked what the tax incentive amount is on this project. Crum-Cano said two analytical models are used, the cost benefit model to determine the fiscal impact to the four taxing jurisdictions (city, county, school district, state) and a gap analysis that identified the financial gap the developer needs for the entire project to go forward. The cost benefit model ratio for the City is 1.78; every \$1 of public incentive invested by the taxing jurisdiction in this project returns \$1.78; the ratio for the County is 2.56. The gap analysis showed a need for a 10 year/75% NRA rebate and the developer also requested a sales tax exemption on construction materials. Those two combined over a 10 year period will account for \$1.478 million. Thellman said in fairness to the developer, this project could have provided nothing towards affordable housing; the project as is provides for several of the AHAB priorities including mixed use, infill development with an affordable housing component. Oury said the important factors to her are the permanent aspect of the affordable unit and the opportunity for a low income individual to live downtown.

Thellman moved to recommend the project to the City Commission. Oury seconded the motion. The motion passed 6-0 with one abstention (Buford).

2. Williams Management LLC - multi-level, mixed use commercial and residential development to be located at 820-826 Pennsylvania St.
 - a. [Staff Memo & Attachments](#); 7/5/16 City Commission Action: Receive request; refer to staff for gap analysis, specifying the Neighborhood Revitalization Area rebate percentage level and duration that can be examined; require the applicant to enter into a funding agreement with the City to cover the cost of gap analysis; and, refer request to the Affordable Housing Advisory Board and Public Incentives Review Committee for review and recommendation.

Matt Gough with Barber Emerson, L.C., representing Williams Management LLC, presented the board an overview of the proposed project. The project would contain a restaurant/brewery on the first floor and fourteen apartments on the second and third floors. The applicant has requested economic development incentives in the form of a ten year NRA tax rebate and an IRB for sales tax exemption on construction materials and taxable labor. The applicant has proposed two affordable one bedroom rental units for a thirty year period. The project would use the LIHTC standards to establish a maximum rent and to qualify applicants who are at or below 60% of MFI, which currently would set the rent at \$840 with utilities. Buford asked what the rent would be on the market rate units. Gough said the market rate one bedroom units would be estimated around \$1,000 to \$1,200 per month. Oury mentioned the Poehler and 9Del projects are also 30 year

periods of affordability, so all of these units will go market rate around the same time. Harvey said 30 years is a reasonable time period for this type of project. Thellman asked why rental units cannot be held in permanent affordability. Oury indicated the long term administrative expenses involved in certifying and monitoring the projects make it difficult; she felt the best case scenario is permanent affordability, but it is not always financially best for some projects. Stultz said he felt the applicant is providing a greater public benefit by extending the affordability period past the economic development incentive period. Ortiz pointed out both projects are one bedroom units and do not address the issue of affordable units for families. Buford said she appreciated the 30 year period of affordability, but cautioned the applicant on the difficulty in qualifying individuals at 60% of MFI. Cano-Crum asked the board to assist City staff in developing a plan to monitor affordable units during the period of affordability. Oury agreed to assist staff in determining the information required to certify and monitor the affordable units.

Thellman moved to recommend the project to the City Commission. Stultz seconded the motion. The motion passed 7-0.

6. Review Economic Development policy recommendation memo

Diane Stoddard presented the board with a memo detailing the AHAB's recommendations to the City Commission on the subject of the affordable housing provisions in the City's economic development policies. Sturtevant asked if the income guidelines should be split to include both rental and homeownership. Buford agreed and indicated most of their homeowners fall in the 60% to 80% of MFI. Oury indicated their down payment match program usually is homeowners in the 80% to 100% of MFI. Stoddard reminded the board some projects might provide other public benefits desirable by the community. Harvey said the memo should state these recommendations are for private developers requesting economic development incentives; the recommendations might be different for projects funded with the Housing Trust Fund. Stultz asked about the option for a developer to provide a payment in lieu of building units; he felt those generated funds could be used to provide the more difficult to build units in the under 30% of MFI category. Buford agreed, as long as the payment in lieu is an appropriate amount, such as based on the current cost of an affordable housing unit. Oury said the cost for a unit in Mr. Schumm's project, for example, the payment in lieu would be \$150,000. Harvey suggested a higher factor to provide for scattered site units, for example a 1.25 factor, to motivate the developer to build the units instead of just always using the buyout. Toomay indicated the AHAB can always recommend it to the City Commission to consider. Stoddard said the wording could indicate the amount of the payment in lieu would require additional discussion. Stoddard said she would include the suggested changes in the [memo](#) to the City Commission.

Schumm suggested the AHAB recommend the ratio of affordable units be based on bedrooms rather than units; otherwise the developers are always going to just build one bedroom units to meet the requirements. Schumm also indicated the City needs a source of funds to address the need for affordable housing and he felt it should be a one mill increase by the City or the County, or the need will never be met. Thellman indicated a mill levy increase would require a public referendum because of the tax lid. Ortiz agreed with the idea of a ratio of bedrooms instead of units. Stoddard said she would include wording in the [memo](#) indicating a preference for larger than one bedroom units.

Harvey asked if a developer would be allowed to build two one-bedroom units or one two-bedroom unit to satisfy the affordable unit ratio. Oury indicated the vast majority of the waiting list for housing for LDCHA is for one-bedroom units, so she would hate to see developers cut out all one bedroom units just because it is cheaper per bedroom to build larger units.

Oury made a motion to approve the Economic Development policy recommendation memo as amended. Ortiz seconded the motion. The motion passed 7-0.

7. Receive AHAB Planning Retreat Summary

The board was given a [summary](#) of the planning retreat held on September 1, 2016. Discussion of the summary will be held at the next meeting.

8. Other New Business/ Future Business

The City Commission will hold a work session on Tuesday October 12, 2016 at 5:45 and will discuss the recommendations to the economic development policy.

9. Next Meeting.

Toomay said the November 14, 2016 meeting will include a discussion of the SMART Goals and Action Steps identified at the planning retreat, and possibly Ellen Willets from USD 497.

10. Adjourn

Stultz moved to adjourn the meeting. Thellman seconded the motion. The motion passed 7-0 at 1:06 pm.

Future Meeting Dates / Tentative Agenda items

November 14 – Ellen Willets USD 497 (possible), discuss SMART Goals and Action Steps from planning retreat, administrative policy to recommend letter of support for LIHTC applications

December 12 - discuss Housing Trust fund year-end balance, dedicated funding stream options

These minutes were approved by the Board November 14, 2016.

City of Lawrence
Affordable Housing Advisory Board
May 13, 2019 minutes

MEMBERS PRESENT: Rebecca Buford, Susan Cooper, Ron Gaches, Edith Guffey, Thomas Howe, Patrick Kelly, Paul Nuzum, Dana Ortiz, Shannon Oury, Monte Soukup, Sarah Waters, Erika Zimmerman

MEMBERS ABSENT: Andrew Brown

STAFF PRESENT: Diane Stoddard, Assistant City Manager; Scott McCullough, Director of Planning and Development Services; Danielle Buschkoetter, Budget and Strategic Initiatives Manager; Danelle Walters, Community Development Manager; Jeff Crick, Planning Manager; Brad Karr, Community Development Analyst; Britt Crum-Cano, Economic Development Administrator

Chair Gaches called the meeting to order at 11:00 am. [ENTIRE VIDEO](#)

1. General Public Comment [VIDEO](#)

Patrick Watkins, attorney, spoke to the board on behalf of Tony Krsnich about a new project in East Lawrence.

2. Approve Minutes from April 8, 2019 meeting [VIDEO](#)

Howe moved to approve the [minutes from the April 8, 2019 meeting](#). Oury seconded the motion. The motion passed 8-0 with 4 abstentions.

3. Monthly Financial Report [VIDEO](#)

The monthly financial report is available on the [City of Lawrence opengov.com](#) website.

Buschkoetter said there were a few problems with the online monthly financial report that staff was working on a fix; she provided a paper copy of a corrected financial report.

4. Receive and approve draft NOFA and sample matrix [VIDEO](#)

Buschkoetter presented the board with the following updated attachments:

- [Draft NOFA](#)
- [Proposed Matrix](#)
- [Proposed Matrix w/scoring examples](#)
- [NOFA Process and Procedures](#)

Buschkoetter said the board would need to hold an additional meeting on July 1, 2019 to receive presentations from the NOFA applicants. Gaches asked the board if they would be able to attend an additional meeting on July 1, 2019; Kelly said he would not be able to attend.

The board suggested some changes to the NOFA, proposed matrix, and NOFA Process and Procedures document. Buschkoetter said the changes would be made and then presented to the City Commission for approval.

Oury **moved to approve the draft NOFA, as amended.** Soukup seconded the motion. The motion **passed 12-0.**

Howe **moved to approve the scoring matrix, as amended.** Ortiz seconded the motion. The motion **passed 12-0.**

Soukup **moved to approve the NOFA Process and Procedures, as amended.** Howe seconded the motion. The motion **passed 12-0.**

Howe **moved to hold an additional meeting of the Affordable Housing Advisory Board on July 1, 2019.** Guffey seconded the motion. The motion **passed 12-0.**

5. **Review and provide recommendation to the City Commission, County Commission and USD 497 School Board on revisions to the 826 Pennsylvania Street NRA Plan, adopted November 15, 2016 by Ordinance No. 9304, clarifying administration and compliance requirements for affordable housing.** [VIDEO](#)

Crum-Cano presented the board with a [staff memo with attachments](#) on revisions to the 826 Pennsylvania Street NRA Plan.

Kelly and Oury recused themselves and left the meeting room.

The board discussed the proposed revisions.

Buford **moved to recommend to the City Commission, County Commission and USD 497 School Board acceptance of revisions to the 826 Pennsylvania Street NRA Plan, adopted November 15, 2016 by Ordinance No. 9304, clarifying administration and compliance requirements for affordable housing.** Zimmerman seconded the motion. The motion **passed 10-0 with 2 recusals.**

6. **Review and provide recommendation to the City Commission on an update to the City's Economic Development Policy, adopted January 15, 2017 by Resolution No. 7184, clarifying administration and compliance requirements for affordable housing.**

Crum-Cano presented the board with a [staff memo with attachments](#) on an update to the City's Economic Development Policy.

The board discussed the proposed update.

Soukup **moved to recommend to the City Commission acceptance of an update to the City's Economic Development Policy, adopted January 15, 2017 by Resolution No. 7184, clarifying administration and compliance requirements for affordable housing.** Guffey seconded the motion. The **passed 10-0 with 2 recusals.**

Kelly and Oury returned to the meeting.

7. Staff Memo on Plan 2040 [VIDEO](#)

Bobbie Flory, Executive Director of the Lawrence Home Builders Association (LHBA), and Danielle Davey, Governmental Affairs Director of the Lawrence Board of Realtors (LBOR), spoke to the board about a [letter submitted by LHBA and LBOR about Plan 2040](#).

Flory presented the board with a [handout on who pays for development costs](#).

McCullough presented the board with a [staff memo on Plan 2040](#), providing an overview of the process.

8. Quick Updates [VIDEO](#)

a. Interactive map for projects funded by the Affordable Housing Trust Fund

Staff created an [Interactive Map](#) for projects funded by the Affordable Housing Trust Fund.

b. 2018 Residential Lot Inventory Report

The [2018 Residential Lot Inventory Report](#) was provided to the board.

c. Lincoln Institute of Land Policy article

The [Lincoln Institute of Land Policy published an article](#) authored by Anthony Flint, in their Land Lines Magazine, that puts forth the notion that a "new way of looking at the relationship between builders, government, and neighborhoods... could be one more step toward building cities that are livable for all." The article reviews a few different methods of addressing the housing affordability issue confronting the nation and appears to advocate for sharing in the value provided to property through zoning entitlements by requiring that affordable units be part of the development discussion.

9. Other New Business / Next Meeting / Future Agenda Items [VIDEO](#)

Oury provided the board with the Lawrence-Douglas County Health Department's annual report and health equity report.

The next meeting will be on June 10, 2019.

10. Adjourn [VIDEO](#)

Gaches adjourned the meeting.

Future Meeting Dates / Tentative Agenda items

June 10, 2019 – Update on affordable housing text amendment, NOFA timeline, City budget discussion

June 27, 2019 - Douglas County Community Foundation, community conversation on food security and personal health, 5:30-7:30 p.m., Flory Building, Douglas County Fairgrounds

July 1, 2019 – NOFA applicant presentations

July 8, 2019 – NOFA applicant deliberations

August 12, 2019 -

September 5, 2019 - Douglas County Community Foundation, community conversation on behavioral health, 5:30-7:30 p.m., Theatre Lawrence

September 9, 2019 -

October 14, 2019 -

November 11, 2019 -

December 9, 2019 –

These minutes were approved by the Board: June 10, 2019

2019 Attendance	Jan	Feb	March	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Brown, Andrew	+	U	E	E	U							
Buford, Rebecca	+	+	E	+	+							
Cooper, Susan	+	E	+	U	+							
Gaches, Ron	+	E	+	+	+							
Guffey, Edith	+	E	+	E	+							
Howe, Thomas	+	+	U	+	+							
Kelly, Patrick	N/A	E	+	+	+							
Nuzum, Paul	+	+	+	+	+							
Ortiz, Dana	+	+	+	+	+							
Oury, Shannon	+	+	+	+	+							
Soukup, Monte	+	+	+	+	+							
Waters, Sarah	+	+	+	E	+							
Zimmerman, Erika	+	+	+	E	+							

(+) - in attendance; (U) - unexcused absence; (E) - excused absence

A Board member having **three or more unexcused absences** or **five or more absences for any reason** during one (1) calendar year shall be deemed by the Board to have involuntarily resigned his or her position. Failing to notify the Chair of an absence at least 24 hours prior to a scheduled meeting shall count as an unexcused absence. Attendance will be reviewed regularly to ensure compliance.

DRAFT Minutes

City of Lawrence Public Incentives Review Committee June 11, 2019 minutes

MEMBERS PRESENT: Bradley Burnside, Aron Cromwell, Ken Easthouse, Michelle Fales, County Commissioner Patrick Kelly, Shannon Kimball, Eric Kirkendall

MEMBERS ABSENT: Rebekah Gaston

STAFF PRESENT: Diane Stoddard, Britt Crum-Cano,

PUBLIC PRESENT: Member of the public: Shannon Oury, Dan Dannenberg, Clayton Borrows, Alex Murray

Fales called the meeting to order at approximately 4:00 pm and welcomed guests to the meeting. Introductions were made.

Easthouse suggested edits to the minutes of the 5-10-19 PIRC meeting. Kelly made a motion and Kimball seconded the approval of 5-10-19 PIRC meeting minutes, with changes. Motion passed unanimously.

Fales introduced the second and third items: changes to the 826 Pennsylvania Street NRA Plan and updates to the City's economic development policy. Crum-Cano stated she would give an overview of the items in tandem as they were closely related.

Kelly brought up the issue of a possible conflict of voting twice, once in his capacity as a PIRC member and again when he considers the 826 Pennsylvania Street NRA Plan item as a County Commissioner. PIRC members discussed and concluded it was not problematic for a representative of PIRC making recommendation to the City if they also served as an elected official.

Burnside stated he would need to recuse himself in the 826 Pennsylvania Street NRA item due to a conflict of interest. He did not have a conflict of interest in the economic development policy revisions and would participate in discussion and voting on that item.

Crum-Cano provided background information on the context for the changes to the NRA Plan and economic development policy and explained the revisions were shoring up administrative requirements when reporting affordable housing compliance. She also outlined the general revisions to both the NRA Plan and the economic development policy.

General revisions to both included clarification on tenant eligibility and income verification processes and reporting requirements. Economic policy revisions also addressed the rounding issue for the Affordable Housing set-aside percentage when a fraction of a unit is calculated and clarified City compliance when projects are qualified under a federal affordable housing program.

After the overview by Crum-Cano, Burnside recused himself from the discussion on 826 Pennsylvania Street NRA revisions and left the room. The remaining PIRC members asked questions and discussed the issue. Easthouse made a motion and Kirkendall seconded to recommend accepting the changes to the 826 Pennsylvania Street NRA Plan as drafted. The motion passed 6-0, with one recusal.

Burnside rejoined the meeting to consider the revisions to the economic development policy. Kimball made a motion and Cromwell seconded to recommend accepting the changes to the economic development policy as drafted. The motion passed 7-0.

Fales called for public comments. Public comments were provided by Dan Dannenberg, a member of the public. He made general comments regarding rental licensing and short-term rentals.

A motion was made to adjourn by Burnside, seconded by Kimball. Motion passed unanimously. Meeting adjourned at approximately 4:45 pm.

**NEIGHBORHOOD REVITALIZATION ACT
COOPERATIVE AGREEMENT for 826 PENNSYLVANIA STREET**

This Agreement (hereinafter "Agreement") is entered into this 15 day of November, 2016, by and between the City of Lawrence, Kansas (hereinafter "City"); the Board of Commissioners of Douglas County, Kansas (hereinafter "County"); and Unified School District No. 497, Douglas County, State of Kansas (hereinafter "USD 497") (collectively the "Parties"), all of which are municipalities within the meaning of K.S.A. 10-1101 and K.S.A. 12-17,114 *et seq.*; and

WHEREAS, K.S.A. 12-17,114 *et seq.* and amendments thereto, also referred to as the Kansas Neighborhood Revitalization Act (the "Act"), provides a program for neighborhood revitalization to provide incentives for property owners to improve aging and deteriorating property, or otherwise stimulate new construction, the rehabilitation, conservation or redevelopment of an area in order to protect the public health, safety and welfare; and

WHEREAS, K.S.A. 12-17,119, provides for all taxing jurisdictions within a Neighborhood Revitalization District to enter into agreements to further neighborhood revitalization; and

WHEREAS, the Parties desire to maximize the economic development opportunities under the Act and the Neighborhood Revitalization Plan (later defined herein) by acting jointly through the use of this agreement; and

WHEREAS, the Parties desire to set out the terms and conditions of participation as described herein, and

WHEREAS, the City and County will have primary responsibility for the procedural aspects of NRA implementation and administration, and therefore desire to set forth the specific rights and responsibilities of the Parties with respect to the procedures associated with the NRA.

NOW, THEREFORE, for the mutual promises and covenants contained herein and other good and valuable consideration, the Parties understand and agree as follows:

1. Purpose. The purpose of this Agreement is to provide a program for neighborhood revitalization and allow the taxing jurisdictions within the designated neighborhood revitalization area ("Area") to work together, through this agreement, to facilitate the rehabilitation, conservation or redevelopment of an area to protect the public health, safety and welfare of the residents of Lawrence.

- a. After conducting a public hearing and complying with the publication requirements of K.S.A. 12-17,117 as amended, on November 15, 2016 the City approved Ordinance No 9304 adopting a neighborhood revitalization district plan in substantially the same form and content as contained in **Exhibit A** attached hereto and incorporated herein by reference. ("Plan").
 - b. The other Parties to this Agreement have also reviewed and considered the Plan, and by adoption of this Agreement, agree to work cooperatively to implement the Plan.
 - c. The Parties further agree that no separate legal entity shall be created under this Agreement, but rather the City, on behalf of all Parties, shall administer the Plan as adopted by the City or as it may be subsequently amended as provided herein.
 - d. The Parties agree that the Plan shall not be amended by the City or by any of the Parties acting separately and shall only be amended in writing signed by all Parties hereto, which consent and cooperation shall not be unreasonably withheld.
 - e. In the event that the Neighborhood Revitalization Plan, as adopted, is not followed with respect to the aspects set forth in the Plan, the Parties may individually wish to reconsider participation in the Plan.
2. Duration. This Agreement shall commence after it has been approved by and is fully executed by the Parties, and shall expire upon the expiration of the Rebate Period or termination of the 826 Pennsylvania NRA Plan.
3. Termination. The Parties agree that termination of this Agreement by any party prior to the period set forth in Paragraph 2 above would adversely impact the Plan, and consequently, this Agreement may only be terminated with ninety (90) days written notice, and further provided such written notice must be received prior to August 1 in the calendar year prior to the tax year the party desires to terminate participation, unless such notice is waived, in writing, by all Parties to this Agreement. The Parties further agree that any application for tax rebate submitted to the City prior to receipt of the notice of termination shall, if approved, be considered eligible for the duration of the rebate period set forth in the Plan.
4. Financing.
 - a. A qualified improvement must meet the requirements set out in the Plan.

- b. The County shall calculate the annual rebate as per the Plan and shall transfer any tax increment rebate amounts received for the Parties to the Neighborhood Revitalization Fund (NRA Fund) a separate fund created and maintained by the City under the authority of K.S.A. 12-17,118 and amendments thereto.
- c. The County shall retain an annual administrative fee in an amount of \$500 from the increment of the rebate program. The County shall deduct this fee from the tax increment prior to rebating the tax increment to the City for disbursement to the property owner as provided in the Plan.
- d. Within thirty (30) days of distribution of the tax increment from the County, the City will disburse the rebate(s) in the appropriate percentage to each eligible property owner(s) in accordance with the Plan. All funds transferred to the NRA Fund by the County and not required to be rebated to Owner(s) shall be refunded by the City to the County Treasurer for distribution to all participating taxing jurisdictions in their proportionate share based on their tax rate at the time of disbursement.

5. Additional City Responsibilities

- a. The City's Economic Development Coordinator shall be responsible for receiving compliance information and documentation for annual rebate from the Owner(s) under the NRA Plan. The City's Economic Development Coordinator shall have the authority and discretion to approve or reject annual rebate applications based on eligibility standards and review criteria contained in the NRA Plan. The City's Economic Development Coordinator will forward notice of application approval or rejection to the County for annual rebate.
- b. Upon payment of taxes by the Owner/Taxpayer, and provided the Owner/Taxpayer is in compliance with the NRA Plan, the City shall issue the appropriate rebate to the Owner/Taxpayer within 30 days after the next distribution date by Douglas County as specified in K.S.A. 12-1678a, and amendments thereto and in accordance with the NRA Plan.
- c. Rebates are not given until property taxes are paid in full.

6. Additional County Responsibilities.

- a. The County Appraiser shall conduct an on-site appraisal as part of the normal valuations following completion of the Improvements and determine the increase in the taxable valuation due to the improvements.
 - b. The County Appraiser will notify the City and the County Clerk of the valuation.
 - c. The County Treasurer will monitor real estate tax delinquencies for Property participating in the Program. The County Treasurer will notify the City if a Property becomes ineligible for the program due to tax or special assessment delinquencies.
8. Execution. For purposes of executing this Agreement, this document if signed and transmitted by facsimile machine or telecopier, is to be treated as an original document. This Agreement may be executed in one or more counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, and all of which together shall constitute one instrument.
9. Liberal Construction. This Agreement shall be liberally construed to achieve the economic development objectives and purposes of both this Agreement and the Plan. Should any provision of this Agreement be determined to be void, invalid, unenforceable or illegal, such provision(s) shall be null and void, but the remaining provisions shall be unaffected thereby and shall continue to be valid and enforceable.
10. Entire Agreement. This Agreement constitutes the entire agreement between the Parties on this subject and may not be modified or amended except in writing executed by all Parties in the same manner as the original.
11. Governing Law. This Agreement and the Plan and the rights of all the Parties hereto shall be governed by and construed according to the laws of the State of Kansas.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed by their respective, appropriate representatives with authority to bind their respective entity.

(Rest of Page Left Intentionally Blank)



CITY OF LAWRENCE, KANSAS

[SEAL]

By: Thomas M. Markus

Thomas M. Markus, City Manager

Attest: Sherri Riedemann

Sherri Riedemann, City Clerk

(Rest of Signature Page Left Intentionally Blank)

BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

[Seal]

By: James E. Flery

Attest:

Mamie D. Quoad, Clerk of the Board
deputy

Approved As To Form:

M. Quoad
County Counselor



(Rest of Signature Page Left Intentionally Blank)



UNIFIED SCHOOL DISTRICT NO. 497,
DOUGLAS COUNTY, STATE OF
KANSAS

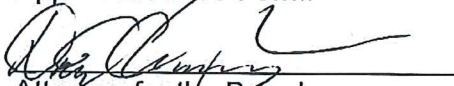
By: 

President, Board of Education

Attest:


Clerk of the Board

Approved As To Form:


Attorney for the Board

(Rest of Signature Page Left Intentionally Blank)

Exhibit A

Neighborhood Revitalization Plan
As adopted by Governing Body of the City of Lawrence
On November 15, 2016
through Ordinance No. 9304

[See Attached]

ORDINANCE NO. 9304

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN, DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA, AND ESTABLISHING A FUND TO FINANCE THE REDEVELOPMENT OF THE AREA FOR THAT REAL PROPERTY COMMONLY KNOWN AS 826 PENNSYLVANIA STREET, LAWRENCE, DOUGLAS COUNTY, KANSAS, ALL IN ACCORDANCE WITH THE KANSAS NEIGHBORHOOD REVITALIZATION ACT OF 1994, CODIFIED AS AMENDED AT K.S.A. 12-17,114 ET SEQ.

WHEREAS, pursuant to authority granted it by the Kansas Neighborhood Revitalization Act of 1994 ("the Act"), codified as amended at K.S.A. 12-17,114 *et seq.*, the Governing Body of the City of Lawrence, Kansas, desires to adopt a plan for the revitalization of 826 Pennsylvania Street, Lawrence, Douglas County, Kansas, to designate 826 Pennsylvania Street as a Neighborhood Revitalization Area, and to create a fund to finance the redevelopment of the area and to provide rebates authorized by the Act, all in accordance with the Act;

WHEREAS, at its October 18, 2016, public meeting, in accordance with the Act, the Governing Body scheduled a public hearing for November 1st, for the purpose of considering the Neighborhood Revitalization Plan (a copy of which is affixed hereto as Exhibit A) for 826 Pennsylvania Street;

WHEREAS, in accordance with the Act, the Governing Body caused notice of such public hearing to be published in The Lawrence Journal-World, a newspaper of general circulation within the City, on October 20, 2016, and October 27, 2016; and

WHEREAS, at its November 1st, 2016, public meeting, pursuant to said public notice, the Governing Body considered the Neighborhood Revitalization Plan for 826 Pennsylvania Street.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The Governing Body hereby adopts the Neighborhood Revitalization Plan for 826 Pennsylvania Street ("Revitalization Plan"), attached hereto as Exhibit A, and incorporates the same herein by reference.

SECTION 3. The Governing Body has determined that that real property, commonly known as 826 Pennsylvania Street, Lawrence, Douglas County, Kansas, and legally described as

Lot 3, 8th and Pennsylvania Neighborhood Redevelopment
Addition No. 3, a Minor Subdivision Replat of Lots 1 and 2, Block
"A" of 8th and Pennsylvania Neighborhood Redevelopment, in the
City of Lawrence, Douglas County, Kansas,

constitutes an area which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe

conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquencies exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability, and is detrimental to the public health, safety, or welfare in its present condition and use. Accordingly, pursuant to the Act, the Governing Body hereby designates that real property, legally described above, as the "826 Pennsylvania Street Neighborhood Revitalization Area" ("the Revitalization Area").

SECTION 4. The Governing Body hereby creates, pursuant to K.S.A. 12-17,118, a Neighborhood Revitalization Fund in order to finance the redevelopment of the Revitalization Area and to provide a rebate of property tax increments as scheduled in the Revitalization Plan.

SECTION 5. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 15th day of November, 2016.

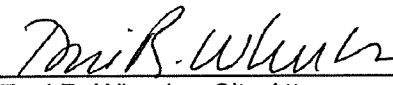
APPROVED:


Mike Amyx, Mayor

ATTEST:


Sherri Riedemann, City Clerk

APPROVED AS TO FORM:


Toni R. Wheeler, City Attorney

NEIGHBORHOOD REVITALIZATION PLAN
For 826¹ Pennsylvania Street
Table of Contents

	Page
Purpose and Factual Findings.....	1
Part 1 Legal Description of Neighborhood Revitalization Area	2
Part 2 Assessed Valuation of Real Property.....	2
Part 3 Listing of Owners of Record in Area.....	2
Part 4 Existing Zoning Classifications Boundaries & Existing and Proposed Land Uses	3-4
Part 5 Capital Improvement Planned for the Area.....	4
Part 6 Property Eligible for a Tax Rebate.....	5
Part 7 Criteria for Determination of Eligibility.....	5
Part 8 Contents of Annual Application for Tax Rebate.....	5
Part 9 Procedure for Submission of an Application.....	5
Part 10 Standards and Criteria for Review and Approval Annual Application for Tax Rebate	6
Part 11 Statement Specifying Amount and Years of Eligibility of Rebate	7-8
Part 12 Other Requirements.....	8-9
Exhibit A Map depicting existing parcels of real estate in Neighborhood Revitalization Area....	10
Exhibit B Application for Annual NRA Rebate & Certification of Rebate Increment in Ad Valorem Property Taxes	11-12
Exhibit C Property Base Value Determination	13
Exhibit D Certification of Project Completion	14

Purpose and Factual Findings

This plan is intended to promote the revitalization of the area of the City of Lawrence, Kansas (the City) through the rehabilitation, conservation, or redevelopment of the area to protect the public health, safety, or welfare of the residents of the City. More specifically, a tax rebate incentive will be available for certain improvements within the area. The improvements will include the rehabilitation of the existing building to accommodate a restaurant, office, and brewery/manufacturing space on the first floor and include a two story vertical addition to accommodate apartments.

In accordance with the provisions of K.S.A. 12-17, 114 et seq., the Lawrence City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area, the criteria and standards for a tax rebate, and the necessity for interlocal cooperation among other taxing units. Accordingly, the City Commission has carefully reviewed, evaluated, and determined the Area meets one or more of the conditions to be designated as a "neighborhood revitalization area."

¹ Area- used interchangeably with "Property", referring to the property located at 826 Pennsylvania Street (identified by the County and the City GIS system as 820 Pennsylvania Street), Lawrence, Douglas County, Kansas

Part 1
Legal Description of Neighborhood Revitalization Area

Lot 3, 8th and Pennsylvania Neighborhood Redevelopment Addition No. 3, a Minor Subdivision Replat of Lots 1 and 2, Block "A" of 8th and Pennsylvania Neighborhood Redevelopment, in the City of Lawrence, Douglas County, Kansas

A map depicting the existing parcel of real estate is attached hereto as Exhibit A and incorporated into this Plan by reference as if fully set forth herein.

Part 2
Assessed Valuation of Real Property

The assessed valuation of the real estate contained in the Area is listed as follows for the parcel, for land and building value separately:

2016 Tax Information						
Property Address	Appraised			Assessed		
	Land	Improvements	Total	Land	Improvements	Total
820 Pennsylvania Street	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800
Total	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800

Part 3
Listing of Owners of Record in Area

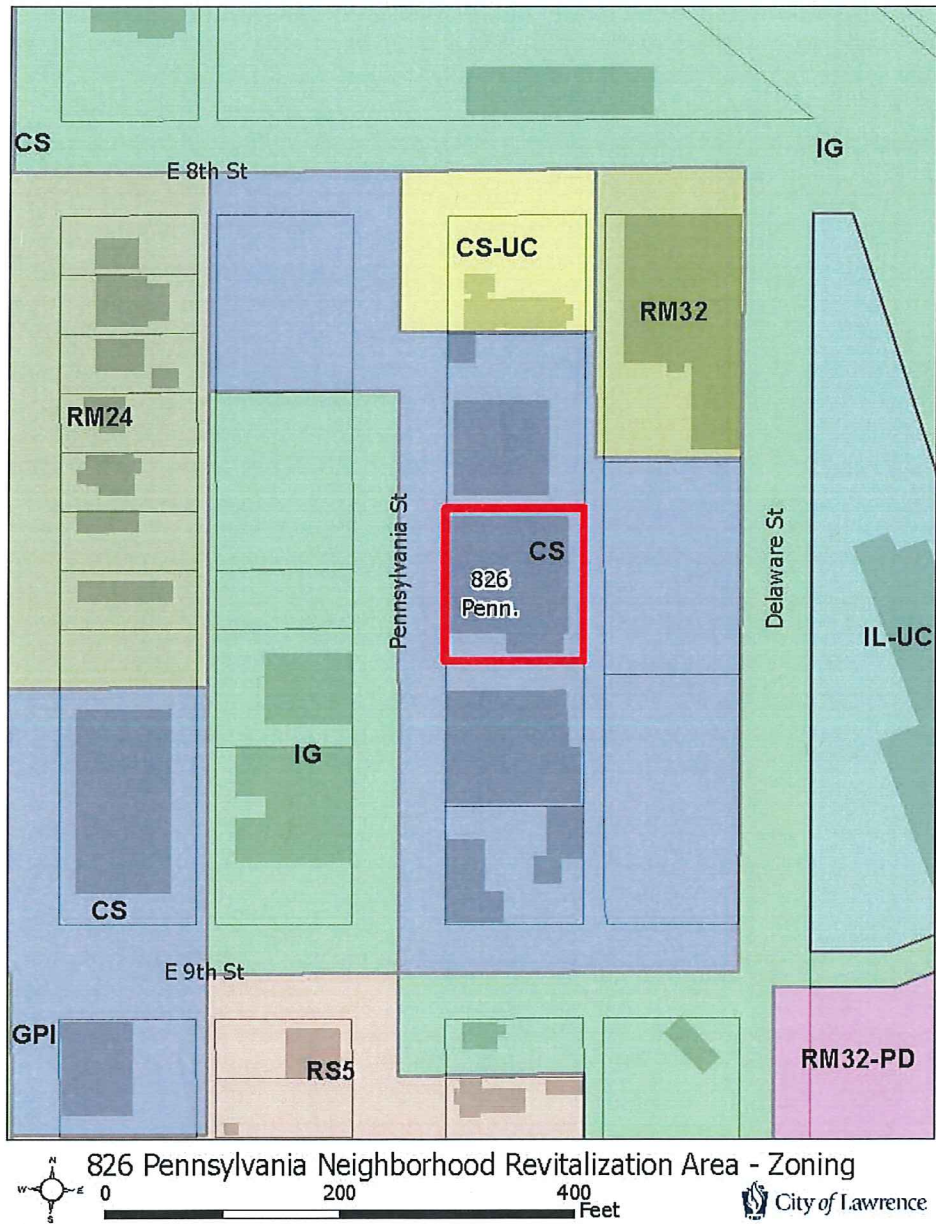
A list of name(s) and address(es) of the Owner(s) of record of the parcel of real estate within the Area:

Williams Management, LLC
826 Pennsylvania Street
Lawrence, Kansas 66049

Part 4
Existing Zoning Classification Boundaries
& Existing and Proposed Land Uses

A. Existing Zoning Classifications and Boundaries

The existing zoning classification of the Area is CS, Commercial Strip District. The existing zoning classification boundaries are depicted in the map below:



B. Existing and Proposed Land Uses

826 Pennsylvania, known as the SeedCo Building, was historically used for manufacturing and warehouse uses but has been vacant for several years. The use of the basement is limited to storage that is accessory to the other uses on the site, as the basement does not have suitable access for other uses. The building originally had two stories, but it was damaged by a fire and was rebuilt as one and a-half stories. The site plan proposes an addition to the building to three stories. The first floor will house a brewery, restaurant and office space. The second and third stories will contain apartments (Nine (9) one-bedroom units and five (5) two-bedroom units).

The Brewery could be classified as a Brewpub or Manufacturing and Production, Limited, depending on the scale of the project. A Brewpub as defined in Section 20-1724 of the Development Code is limited to the manufacture of up to 5,000 barrels of fermented malt beverages per year. If the brewery produces more than 5,000 barrels a year the use would be classified as Manufacturing and Production, Limited as defined in Section 20-1739(3) of the Development Code. The difference between the two uses is primarily a matter of scale. The brewery may be approved with the site plan as a Brewpub. If the use expands to the point it no longer complies with the definition of a Brewpub it would be necessary to seek approval of the use as Manufacturing and Production, Limited through a Special Use Permit. This is noted on the plan.

Part 5 Capital Improvement Planned for the Area

The Area will, for the most part, be served by existing municipal services.

Transportation – the Area will have access to the City's transit system.

Water and sewage systems – the Area will connect to City water, wastewater and storm water systems.

Refuse collection – the Area will be served by existing City refuse and recycling services.

Road and street maintenance – the Area is adjacent to existing Pennsylvania Street. Pennsylvania Street will be maintained as part of the City's regular street maintenance system. The property Owner(s) will be responsible for sidewalk maintenance in accordance with state law.

Park and recreation facilities – the Area will be served by existing parks and recreation facilities.

Police and fire protection – existing police and fire and medical services will serve the Area.

Part 6
Property Eligible for a Tax Rebate

The Area is comprised of one building (to be redeveloped) and one parcel of real estate. Accordingly, rehabilitation, alterations, and additions to the existing structure and the land in the Area are eligible for the tax rebate.

Part 7
Criteria for Determination of Eligibility

The Area consists of one parcel of real estate with an existing one-level building with basement that will be redeveloped by Williams Management, LLC, adding two additional floors and converting the property into mixed use commercial and residential space. In order to be eligible for the NRA rebate, Williams Management, LLC shall pull a building permit for the Project in the Area within one year of the effective date of the Ordinance designating the NRA Area, and shall complete the Project within two years of said Ordinance's effective date.

Part 8
Contents of Annual Application for Tax Rebate

The annual application for a tax rebate shall contain the following general information

1. Owner's Name
2. Owner's Mailing Address
3. Owner's Email Address (if one is available)
4. Owner's Day Phone Number
5. Address of Property
6. Legal Description of Property
7. Parcel Identification Number
8. Tax year for which the NRA rebate is being requested.
9. Receipt showing all taxes and special assessments have been paid in full for the applicable tax year.
10. Documentation showing compliance with affordable housing requirements as set forth in Section 10.
11. The signature and date of the Owner confirming the accuracy and validity of the annual application for tax rebate.

The Annual Application for Tax Rebate is attached hereto as Exhibit B, and incorporated herein by reference.

Part 9
Procedure for Submission of an Application

Owner(s) seeking a tax rebate shall annually complete the form, Exhibit B. The Annual Application for Tax Rebate, and supporting compliance documentation, shall be submitted to the City's Economic Development Coordinator.

Part 10
Standards and Criteria for Review and Approval
Annual Application for Tax Rebate

1. The property in which a rebate is requested shall conform with all applicable federal, state, and city laws, codes, and regulations in effect at the time the improvements are made and shall remain in conformance with applicable laws, codes, and regulations for the duration of the rebate period or the rebate may be terminated.
2. The Owner(s) shall comply with the Affordable Housing Requirements as set forth in this paragraph, and shall remain in conformance therewith for the duration of the rebate period or its rebate may be terminated. Owner(s) shall timely provide the City with any information or records reasonably requested by City to document compliance with this provision to the City's satisfaction.

Affordable Housing Requirements:

- A. Agreement to Maintain Units As Affordable for 30 Years Owner agrees to enter into and maintain an agreement with City during and beyond the Rebate Period as set forth in this Plan. In said Agreement, Owner shall agree to comply with the Affordable Housing Requirements in Part 10, Paragraph 2.B. for thirty years after the date a Certificate of Occupancy is issued for the residential units. Said Agreement shall be recorded with the Douglas County Register of Deeds.
- B. Annual Certification of Affordability of Two Residential Units. The Owner shall annually certify to the City the affordability of its residential units in a manner acceptable to the City.

Two, One-Bedroom Residential Units in the Project Area shall meet the following criteria:

<u>Income Eligibility</u>	<u>Maximum Rent</u>	<u>Utilities</u>	<u>Duration</u>
60% or less MFI*	LIHTC Max. Rent**	Included	30 years

*Income eligibility limits of Median Family Income (MFI) and maximum LIHTC rent to be charged per one bedroom unit as determined annually for the Lawrence, KS MSA by The Kansas Housing Resources Corporation and shown on the *Maximum Income and Rents to Qualify Units as Low Income for Low Income Housing Tax Credit Program* for the most recently available year.

The Owner(s) is volunteering to hold the affordable housing units to the above standard over a thirty (30) year period. Compliance with affordable housing requirements after the Rebate Period will be confirmed in accordance with the Agreement referenced in Part 10, Paragraph 2.A. of this Plan.

3. Any property that is delinquent in any tax payment or special assessment shall not be eligible for a rebate until such time as all taxes and assessments have been paid in full. Any taxes paid under protest for an eligible property will suspend the rebate until the

protest has been resolved. If the Owner(s) of an eligible property appeals the appraised value of its property, no rebate will be made until the appeal is finalized.

4. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years. See Part 11.
5. The City's Economic Development Coordinator, or his or her designee, shall have the authority and discretion to approve or reject annual rebate applications based on eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the decision, a written appeal may be submitted to the City Commission for final determination. Such written appeal must be filed within 30 days after the Economic Development Coordinator's decision.

Part 11

Statement Specifying Amount and Years of Eligibility of Rebate

The Owner(s), or the Owner(s)' assignee, provided the requirements of this Plan are satisfied, will be eligible for a property tax rebate as set forth in this Part 11.

Program Period: The NRA fund and tax rebate incentive program shall expire at the conclusion of the Rebate Period set forth below, unless earlier terminated pursuant to this Plan. The City, County, and School District may jointly agree to amend or modify the Plan as conditions, policies or priorities change, provided that no amendment or modification to the Plan which decreases the percentage Rebate Amount under this Plan or materially increases the Owner(s) obligations or duties under the Plan shall be effective without the Owner(s)'s prior written consent. If there is no tax increment generated for a specific property due to a diminution of assessed values, no tax rebate shall be provided for the Property. The Owner(s) shall receive at least thirty (30) days prior written notice of any proposed amendment or modification to the Plan.

Rebate Period: The NRA rebate period shall commence on the first full tax year after Project Completion. For the purposes of this Plan, it is understood and agreed that the Project Completion refers to the date when a Certificate of Occupancy is issued by the City for the Project and is filed with the County Appraiser by December 1st.

The NRA Rebate Period shall be 10 years, unless earlier terminated as provided in this Plan.

Rebate Amount:

Taxing Jurisdiction	Annual NRA Rebate Percentage	
	Commercial	Residential
City	50%	50%
County	85%	85%
USD 497	50%	50%

The owner of the property at the time the property taxes are paid in full will be eligible for a property tax rebate on the incremental taxes associated with improvements to the Property (the "tax increment"). The Tax Increment will equal the property tax assessment against the Property for the first year after the improvements are completed (i.e. determined including the value that such improvements add to the assessed value of the Property) reduced by the property tax assessed against the Property for the base year (the year this Plan is approved) (i.e. determined without the value that the improvements add to the assessed value of the Property). The Increment will be reassessed each year of the rebate program, based off the new appraisal value. Then the fixed rebate percentage set forth above shall be applied to any change in assessed value or mill levy during subsequent years for the rebate period, as outlined above.

Douglas County shall be entitled to an annual administrative fee of \$500 for each annual application filed by an Owner(s). The administrative fee shall be retained by the County from increment proceeds before making the rebate distribution to the City. .

Timing of Annual Tax Rebate Payment: Provided the Owner(s) is in conformance with this Plan, has submitted a complete Annual Application for Tax Rebate, and the Annual Application for Tax Rebate has been approved by the City's Economic Development Coordinator, or the City Commission, then upon payment of taxes by the Owner(s), the rebate shall be made within 30 days after the next distribution date by Douglas County, as specified in K.S.A. 12-1678a, and amendments thereto.

Part 12 Other Requirements

1. This Plan and tax rebate program are subject to approval of each taxing unit (City Commission, Douglas County Commission, and USD 497). The participating taxing units will enter into a cooperative agreement concerning the implementation of this Plan and the payment of tax rebates.
2. The Developer shall submit a Property Construction Commencement form to the City, signed by the Douglas County Appraiser, before it commences any pre-construction or construction activities in the Area. The Property Construction Commencement form is attached hereto as Exhibit C, and incorporated herein by reference. The City acknowledges and agrees that the Base Property Value shall be based upon the 2016 appraised value determined by the Douglas County Appraiser, as the same is verified on Exhibit C.
3. The Developer shall within 10 days of completing the Project submit to the City a Certificate of Project Completion, attached hereto as Exhibit D and incorporated herein by reference.
4. Construction or redevelopment activities must be located in the Area and begin after the effective date of the Ordinance establishing the Area, or after the Base Property Value Determination date, whichever occurs later, to be eligible for a rebate.

5. The City's obligation to rebate any increment in ad valorem property taxes under this Plan shall be limited to monies in the NRA fund. In no event shall the City be obligated to cover such rebates from other City funds.
6. Some improvements regardless of cost may not result in an increase in assessed value and thus would not make the property eligible for a property tax rebate. Such determinations will be made solely and independently by the Douglas County Appraiser's Office and the Douglas County Clerk.

The County Appraiser shall conduct an on-site appraisal as a part of the normal valuations following completion of the Improvements and determine the increase in the taxable valuation due to the Improvements. On or before December 1st of each calendar year, the City shall notify the County Appraiser, in writing, of each property in the Area for which Improvements have been completed so that the County Appraiser may conduct on-site inspections as a part of the normal valuations to determine the increase in taxable valuations due to the Improvements. The County Appraiser will notify the City and the County Clerk of the valuation.

7. If this Plan is repealed or the rebate criteria changed, any approved applications shall be eligible for rebates for the remaining Term of the rebate originally provided in the plan.
8. The Developer shall keep proper books of record and account, in which full and correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the Developer related to the Project or this Plan in accordance with generally accepted accounting principles. At reasonable times and upon reasonable prior written notice, the Developer agrees to allow representatives and agents of the City or Douglas County to inspect all books and records, invoices and other financial information related to the NRA incentive.
9. To the extent either party determines that the other has failed to comply with any term of this Plan, such party shall provide written notice to the other party, and said party shall be provided thirty (30) days after the receipt of such notice to comply with the terms of this Plan."

Exhibit A
A Map depicting existing parcels of real estate in Neighborhood Revitalization Area





Exhibit B
Application for Annual NRA Rebate &
Certification of Rebate of Increment
in Ad Valorem Property Taxes
Page 1

Please fill out the below application and submit along with a copy of all applicable tax payment receipts.

Submit Application to: City of Lawrence, City Manager's Office,
Attn: Economic Development
6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: Treasurer's Department
1100 Massachusetts St., Lawrence, KS 66044

Project: _____
Owner(s): _____
Owner(s) Address: _____
Parcel ID #: _____
Property Legal Address: _____

Annual Rebate Requested: Rebate on property taxes levied in _____
(Y/N) The Owner(s) has paid, at the time Application for Rebate is made, all real estate taxes levied against the Property on which the Project is located

**Please attach a copy of tax payment receipts for the
calendar year in which the rebate is requested.**
(If applicable, also include payment receipts for any past due property taxes.)

Application Prepared by: _____
Title: _____
Address: _____
Email: _____
Phone: _____

The above information is correct, to the best of my knowledge.

Signature: _____ Date: _____

Note: Rebates are given only after property taxes are paid in full.

Exhibit B
Annual Application for Tax Rebate
Page 2

CERTIFICATION

The undersigned Owner (s) does hereby certify to the City of Lawrence, Kansas (the "City") that the following information is true and correct as of the date hereof:

1. The Owner(s) is in compliance with the terms of the Neighborhood Revitalization Act Plan for the Vermont Place NRA.
2. The Owner(s) is entitled to the rebate of the increment in ad valorem property taxes levied pursuant to the terms of the Neighborhood Revitalization Plan for the Vermont Place NRA in connection with the Project and the Neighborhood Revitalization Act.
3. The undersigned has reviewed the provisions of K.S.A. 21-6004 and understands the penalties thereunder.

Owner(s):

By: _____

Printed Name: _____

Title: _____

By: _____

Printed Name: _____

Title: _____

Note: Rebates are given only after property taxes are paid in full.



Exhibit C
Property Construction Commencement

The Owner(s) shall notify the City Manager and County Appraiser prior to commencement of project construction/redevelopment activities by submitting a signed copy of this form. The Owner(s) shall provide any information concerning the Project that may be helpful to the County Appraiser in the valuation process.

Project: _____
Parcel ID #: _____
Property Legal Address: _____

To be Completed by the County Appraiser:

Date of Appraisal: _____ Base Year: _____
Assessed Valuation: Land: _____
 Improvements: _____
 Total: _____
County Appraiser Signature: _____ Date: _____

To be Completed by the Property Owner(s):

Name: _____
Address: _____
Title: _____
Email: _____ Phone: _____
Signature: _____ Date: _____

Submit form to: City of Lawrence, City Manager's Office, Attn: Economic Development
 6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: County Appraiser
 1100 Massachusetts St., Lawrence, KS 66044



Exhibit D
Certification of Project Completion

Please fill out the below certificate of completion and submit within 10 days of the conclusion of project construction.

Submit Application to: City of Lawrence, City Manager's Office,
 Attn: Economic Development
 6th East 6th Street, Lawrence, KS 66044

With a copy sent to: Douglas County, Kansas, Attn: Appraiser's Office
 1100 Massachusetts St., Lawrence, KS 66044

Project:

Developer's Name: _____
Developer's Address: _____
Parcel ID #: _____
Property Legal Address: _____

Contact Information:

Company Contact(s): _____
Contact Address: _____
Contact Phone: _____
Contact Email: _____

Property Information:

Date of construction start (include copy of building permit receipt): _____
Date of construction end (include copy of certificate of occupancy): _____
Estimated cost of project improvements:
 Land: _____
 Building (include soft and hard costs): _____
 Total Project Cost: _____

I certify that the above information is correct.

Owner's Signature _____ Date _____

**NEIGHBORHOOD REVITALIZATION PLAN
For 826¹ Pennsylvania Street
Table of Contents**

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Page

Purpose and Factual Findings.....	1
Part 1 Legal Description of Neighborhood Revitalization Area	2
Part 2 Assessed Valuation of Real Property.....	2
Part 3 Listing of Owners of Record in Area.....	2
Part 4 Existing Zoning Classifications Boundaries & Existing and Proposed Land Uses	3-4
Part 5 Capital Improvement Planned for the Area.....	4
Part 6 Property Eligible for a Tax Rebate.....	5
Part 7 Criteria for Determination of Eligibility.....	5
Part 8 Contents of Annual Application for Tax Rebate.....	5
Part 9 Procedure for Submission of an Application.....	5
Part 10 Standards and Criteria for Review and Approval Annual Application for Tax Rebate	6
Part 11 Statement Specifying Amount and Years of Eligibility of Rebate	7-8
Part 12 Other Requirements.....	8-9
Exhibit A Map depicting existing parcels of real estate in Neighborhood Revitalization Area....	10
Exhibit B <u>Annual NRA Rebate Application & Compliance Certification-Application for Annual NRA Rebate & Certification of Rebate Increment in Ad Valorem Property Taxes</u>	11-12
Exhibit C Property Base Value Determination	13
Exhibit D Certification of Project Completion	14

Formatted: Font: 11 pt, Not Bold

Purpose and Factual Findings

Formatted: Space After: 0 pt

~~¶~~This plan is intended to promote the revitalization of that real property commonly known as 826 Pennsylvania Street, Lawrence, Douglas County, Kansas ("Area" or "Property") the area of the City of Lawrence, Kansas (the City) through the rehabilitation, conservation, or redevelopment of the Aarea to protect the public health, safety, or welfare of the residents of the City of Lawrence, Kansas ("City"). More specifically, a tax rebate incentive will be made available for certain improvements within the Aarea. The improvements will include the rehabilitation of the existing building to accommodate a restaurant, office, and brewery/manufacturing space on the first floor and will include a two-story vertical addition to accommodate apartments.

In accordance with the provisions of the Kansas Neighborhood Revitalization Act of 1994, codified as amended at K.S.A. 12-17,-114, et seq. ("the Act"), the Lawrence City Commission conductedhas held a public hearing and considered the existing conditions and alternatives with respect to the designated AArea, the criteria and standards for a tax rebate, and the necessity for interlocal

Formatted: Font: Italic

¹ "Area" -- used herein interchangeably with "Property" -- as used herein, refersreferring to that reale property commonly known aslocated at 826-Pennsylvania Street (identified by the County and the City GIS system as 820-Pennsylvania Street), Lawrence, Douglas County, Kansas

Formatted: Justified

cooperation among other taxing units. Accordingly, the City Commission has carefully reviewed, evaluated, and determined that the AArea meets one or more of the conditions to be designated, under the Act, as a "Nneighborhood Rrevitalization Aarea."

Part 1
Legal Description of Neighborhood Revitalization Area

Lot 3, 8th and Pennsylvania Neighborhood Redevelopment Addition No. 3, a Minor Subdivision Replat of Lots 1 and 2, Block "A" of 8th and Pennsylvania Neighborhood Redevelopment, in the City of Lawrence, Douglas County, Kansas

A map depicting the ~~Area existing parcel of real estate~~ is attached hereto as Exhibit A and is incorporated into this Plan by reference as if fully set forth herein.

Part 2
Assessed Valuation of Real Property

The assessed valuation of the real estate contained in the ~~A~~Area is listed as follows. The values of the parcel of real estate and the improvements are listed separately for the parcel, for land and building value separately:

2016 Tax Information						
Property Address	Appraised			Assessed		
	Land	Improvements	Total	Land	Improvements	Total
820 Pennsylvania Street	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800
Total	\$ 89,760	\$ 241,440	\$ 331,200	\$ 22,440	\$ 60,360	\$ 82,800

Part 3
Listing of Owners of Record in Area

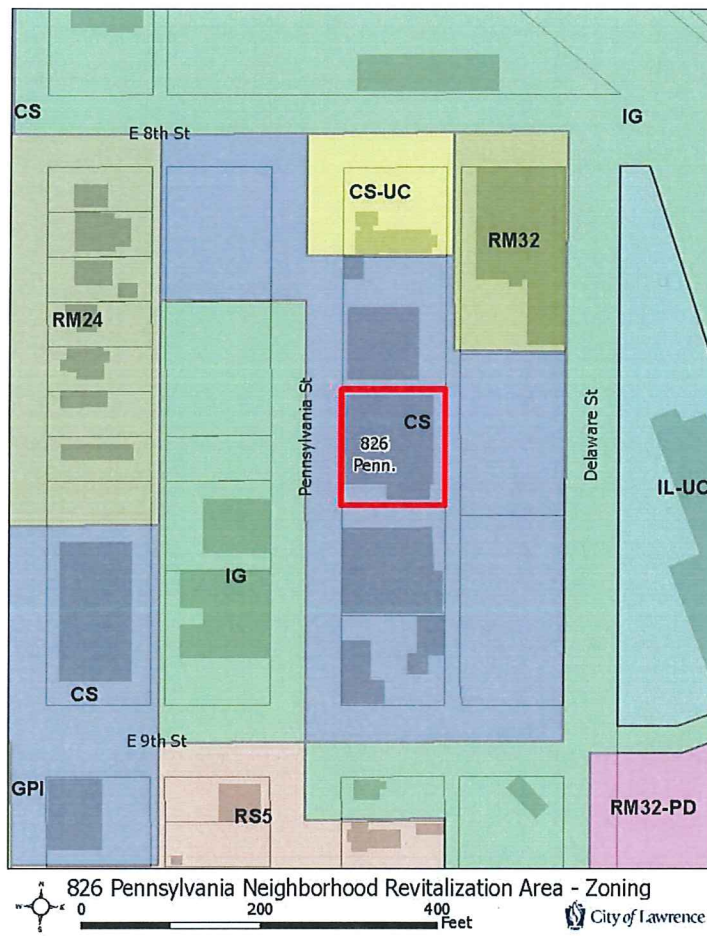
A list of name(s) and address(es) of the Owner(s) of record of the parcel of real estate within the Area:

Williams Management, LLC
826 Pennsylvania Street
Lawrence, Kansas 66049

Part 4
Existing Zoning Classification Boundaries
& Existing and Proposed Land Uses

A. Existing Zoning Classifications and Boundaries

The existing zoning classification of the Area is CS, Commercial Strip District. The existing zoning classification boundaries are depicted in the map below:



B. Existing and Proposed Land Uses

The structure on 8826 Pennsylvania, known as the SeedCo Building, was historically used for manufacturing and warehouse uses but has been vacant for several years. The use of the basement is limited to storage that is accessory to the other uses on the site, as the basement does not have suitable access for other uses. The building originally had two stories, but it was damaged by a fire and was rebuilt as one and one-half stories. The site plan proposes an addition to the building to three stories. The first floor will house a brewery, restaurant, and office space. The second and third stories will contain apartments (Nine (9) one-bedroom units and five (5) two-bedroom units).

The Brewery could be classified as a Brewpub or Manufacturing and Production, Limited, depending on the scale of the project. A Brewpub as defined in Section 20-1724 of the City Development Code is limited to the manufacture of up to 5,000 barrels of fermented malt beverages per year. If the brewery produces more than 5,000 barrels a year the use would be classified as Manufacturing and Production, Limited as defined in Section 20-1739(3) of the Development City Code. The difference between the two uses is primarily a matter of scale. The brewery may be approved with the site plan as a Brewpub. If the use expands to the point it no longer complies with the definition of a Brewpub, then it would be necessary to seek approval of the use as Manufacturing and Production, Limited through a Special Use Permit. This is noted on the plan.

Part 5 Capital Improvement Planned for the Area

The Area will, for the most part, be served by existing municipal services.

Transportation – the Area will have access to the City's transit system.

Water and sewage systems – the Area will connect to City water, wastewater, and storm water systems.

Refuse collection – the Area will be served by existing City refuse and recycling services.

Road and street maintenance – the Area is adjacent to existing Pennsylvania Street. Pennsylvania Street will be maintained as part of the City's regular street maintenance system. The property Owner(s) will be responsible for sidewalk maintenance in accordance with state law.

Park and recreation facilities – the Area will be served by existing parks and recreation facilities.

Police and fire protection – existing police and fire and medical services will serve the Area.

Part 6
Property Eligible for a Tax Rebate

The Area is comprised of one building (to be redeveloped) and one parcel of real estate. Accordingly, rehabilitation, alterations, and additions to the existing structure and the land in the Area are eligible for the tax rebate.

Part 7
Criteria for Determination of Eligibility

The Area consists of one parcel of real estate with an existing one-level building with basement that will be redeveloped by Williams Management, LLC, adding two additional floors and converting the property into mixed use commercial and residential space.— In order to be eligible for the NRA rebate, Williams Management, LLC shall pull a building permit for the Project in the Area within one year of the effective date of the Ordinance designating the NRA Area, and shall complete the Project within two years of said Ordinance's effective date.

Part 8
Contents of Annual Application for Tax Rebate

The annual application for a tax rebate shall contain the following general information

1. Owner's Name
2. Owner's Mailing Address
3. Owner's Email Address (if one is available)
4. Owner's Day Phone Number
5. Address of Property
6. Legal Description of Property
7. Parcel Identification Number
8. Tax year for which the NRA rebate is being requested.
9. Receipt showing all taxes and special assessments have been paid in full for the applicable tax year.
10. Documentation showing compliance with affordable housing requirements as set forth in Section 10.
11. The signature and date of the Owner confirming the accuracy and validity of the annual application for tax rebate.

The [Annual NRA Rebate Application & Compliance Certification](#) ~~Annual Application for Tax Rebate~~ is attached hereto as Exhibit B₇ and incorporated herein by reference.

Part 9
Procedure for Submission of an Application

Owner(s) seeking a tax rebate shall annually complete the form affixed hereto as, Exhibit B. [Exhibit B](#), ~~(The Annual NRA Rebate Application & Compliance Certification~~ [Annual Application for Tax Rebate](#), and supporting compliance documentation, shall be completed annually and submitted to the City's Economic Development Coordinator.

Part 10
Standards and Criteria for Review and Approval
Annual Application for Tax Rebate

1. The property in which a rebate is requested shall conform with all applicable federal, state, and city laws, codes, and regulations in effect at the time the improvements are made and shall remain in conformance with applicable laws, codes, and regulations for the duration of the rebate period or the rebate may be terminated.

2. **Affordable Housing Requirements:**

Formatted: Font: Bold

Formatted: Indent: Hanging: 0.5"

A. Agreement to Maintain Units as Affordable for 30 Years.— Owner agrees to enter into and maintain an agreement with City during and beyond the Rebate Period as set forth in this Plan.— In said Agreement, Owner shall agree to comply with the Affordable Housing Requirements in Part 10, Paragraph 2.B. for thirty years after the date a Certificate of Occupancy is issued for the residential units.— Said Agreement shall be recorded with the Douglas County Register of Deeds.

B. Annual Certification of Affordable Housing Compliance. The Owner shall annually certify to the City, using the form ~~affixed~~attached hereto as Exhibit B, that two, 1-bedroom residential units in the Project Area meet affordable housing requirements per the below criteria:

Formatted: Font: (Default) Tahoma

Formatted: Left, Indent: Left: 0.5", Space After: 10 pt,
Line spacing: Multiple 1.15 li, No bullets or numbering

Maximum Rent Requirement—Rent plus utilities for each affordable housing unit ~~shall~~does not exceed the maximum rent established by the Kansas Housing Resources Commission for the Lawrence, Kansas MSA, based on 60% Median Family Income (MFI) for a one—bedroom unit, and published in the "Maximum Income and Rents to Qualify Units as Low Income for Low Income Housing Tax Credit Program" for the most recent year.

Formatted: Indent: Left: 0.75", No bullets or numbering

Tenant Eligibility Requirement—Tenant households qualify as eligible for occupying an affordable housing unit, certified by the Lawrence Douglas County Housing Authority, based on the following schedule:.

Affordable Housing (AH) Eligibility Schedule

<u>Tenant Household Status</u>	<u>Timeline for Certification</u>	<u>Tenant Household Income at Certification</u>	<u>Eligibility Status</u>
Potential AH Tenant Household	Prior to lease signing*	Household Income < 60% MFI	AH Eligible
Existing AH Eligible Tenant Household	Annually: Recertification to be performed December 1-15 of most recent year	Household Income < 100% MFI	AH Eligible
		100% MFI < Household Income	AH Eligible-Over-Income: Tenant household is AH eligible for one additional year. At the end of one year at Over-Income status, tenant household is no longer AH eligible. Over-Income Notice to Tenant: Landlord must provide tenant household written "Over-Income" notice addressing one of the following options that will occur at the end of the following year. 1) If a comparable unit is designated as AH and made available to another qualified AH tenant household, the existing Over-Income household can remain in the original unit, but original unit is not AH eligible and rent goes to market rate. 2) If a comparable unit is not available to designate as AH, the landlord must give Over-Income household notice that the lease will not be renewed. AH unit then becomes available for a new AH eligible household at lease expiration.

**New tenant households initially certified January-September of current year must be recertified in December of that year to determine continued AH eligibility.— New tenant households initially certified during the last quarter of the current year do NOT have recertify in December of that year for continued eligibility.*

C. Affordable Housing Occupancy and Proration of NRA Rebate. If an affordable housing unit is not rented to an eligible household for the majority (not less than 7- months) of the calendar year, then the unit's annual NRA rebate may be subject to proration based on the percentage of time that the unit was not occupied by an eligible household.

Compliance with this provision shall be determined by the LDCHA during annual certification (December 1-15).— During this certification period, the Owner should provide LDCHA occupancy information for each affordable housing unit, as measured commencing from January 1 of the applicable calendar year, including details on when the unit was occupied by an affordable housing eligible tenant.— The Owner is

Formatted: Font: (Default) Tahoma

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Justified, Space After: Auto, Line spacing: single

Formatted: Font: (Default) Tahoma, Not Highlight

Formatted: Font: (Default) Tahoma, Not Highlight

Formatted: Font: (Default) Tahoma, Not Highlight

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

encouraged to supply LDCHA additional information explaining reasons for any unoccupied periods.

Formatted: Indent: Left: 0.75"

The Owner(s) is volunteering and agreeing to hold the affordable housing units to the above standard over a thirty (30) year period. Compliance with affordable housing requirements after the Rebate Period will be confirmed in accordance with the Agreement referenced in Part 10, Paragraph 2.A. of this Plan.

The Owner(s) shall comply with the Affordable Housing Requirements as set forth in this paragraph, and shall remain in conformance therewith for the duration of the rebate period or its rebate may be terminated. Owner(s) shall timely provide the City with any information or records reasonably requested by City to document compliance with this provision to the City's satisfaction.

Formatted: Indent: Left: 0", First line: 0"

Affordable Housing Requirements:

Agreement to Maintain Units As Affordable for 30 Years Owner agrees to enter into and maintain an agreement with City during and beyond the Rebate Period as set forth in this Plan. In said Agreement, Owner shall agree to comply with the Affordable Housing Requirements in Part 10, Paragraph 2.B. for thirty years after the date a Certificate of Occupancy is issued for the residential units. Said Agreement shall be recorded with the Douglas County Register of Deeds.

Formatted: Indent: Left: 0", First line: 0"

Annual Certification of Affordability of Two Residential Units. The Owner shall annually certify to the City the affordability of its residential units in a manner acceptable to the City.

Two, One-Bedroom Residential Units in the Project Area shall meet the following criteria:

<u>Income Eligibility</u>	<u>Maximum Rent</u>	<u>Utilities</u>	<u>Duration</u>
<u>60% or less MFI*</u>	<u>LIHTC Max. Rent**</u>	<u>Included</u>	<u>30 years</u>

*Income eligibility limits of Median Family Income (MFI) and maximum LIHTC rent to be charged per one-bedroom unit as determined annually for the Lawrence, KS MSA by The Kansas Housing Resources Corporation and shown on the Maximum Income and Rents to Qualify Units as Low Income for Low Income Housing Tax Credit Program for the most recently available year.

Formatted: Indent: Left: 0", First line: 0"

The Owner(s) is volunteering to hold the affordable housing units to the above standard over a thirty (30) year period. Compliance with affordable housing requirements after the Rebate Period will be confirmed in accordance with the Agreement referenced in Part 10, Paragraph 2.A. of this Plan.

3. ~~Any property that is delinquent in any tax payment or special assessment shall not be eligible for a rebate until such time as all taxes and assessments have been paid in full. Any taxes paid under protest for an eligible property will suspend the rebate until the protest has been resolved.~~ If the Owner(s) of an eligible property appeals the appraised value of its property, no rebate will be made until the appeal is finalized.

4.4. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years. See Part 11.

Formatted: Font: Italic

5.5. The City's Economic Development Coordinator, or his or her designee, shall have the authority and discretion to approve or reject annual rebate applications based on eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the decision, a written appeal may be submitted to the City Commission for final determination. Such written appeal must be filed within 30 days after the Economic Development Coordinator's decision.

Part 11

Formatted: Centered, Space After: 0 pt

Statement Specifying Amount and Years of Eligibility of Rebate

Formatted: Centered

The Owner(s), or the Owner(s)' assignee, provided the requirements of this Plan are satisfied, will be eligible for a property tax rebate as set forth in this Part 11.

Formatted: Justified, Space After: 0 pt

Program Period: -The NRA fund and tax rebate incentive program shall expire at the conclusion of the Rebate Period set forth below, unless earlier terminated pursuant to this Plan. The City, County, and School District may jointly agree to amend or modify the Plan as conditions, policies or priorities change, provided that no amendment or modification to the Plan which decreases the percentage Rebate Amount under this Plan or materially increases the Owner(s) obligations or duties under the Plan shall be effective without the Owner(s)'s prior written consent. If there is no tax increment generated for a specific property due to a diminution of assessed values, no tax rebate shall be provided for the Property. The Owner(s) shall receive at least thirty (30) days prior written notice of any proposed amendment or modification to the Plan.

Rebate Period: -The NRA rebate period shall commence on the first full tax year after Project Completion. For the purposes of this Plan, it is understood and agreed that the Project Completion refers to the date when a Certificate of Occupancy is issued by the City for the Project and is filed with the County Appraiser by December 1st.

The NRA Rebate Period shall be 10 years, unless earlier terminated as provided in this Plan.

Rebate Amount:

Taxing Jurisdiction	Annual NRA Rebate Percentage	
	Commercial	Residential
City	50%	50%
County	85%	85%
USD 497	50%	50%

The owner of the property at the time the property taxes are paid in full will be eligible for a property tax rebate on the incremental taxes associated with improvements to the Property (the "tax increment").~~—~~The Tax Increment will equal the property tax assessment against the Property for the first year after the improvements are completed (*i.e.*, determined including the value that such improvements add to the assessed value of the Property) reduced by the property tax assessed against the Property for the base year (the year this Plan is approved) (*i.e.*, determined without the value that the improvements add to the assessed value of the Property).~~—~~The Increment will be reassessed each year of the rebate program, based off the new appraisal value. ~~;~~ ~~1~~ Then the fixed rebate percentage, set forth above, shall be applied to any change in assessed value or mill levy during subsequent years for the rebate period, as outlined above.

Formatted: Space After: 0 pt

Formatted: Font: Italic

Formatted: Font: Italic

Douglas County shall be entitled to an annual administrative fee of \$500 for each annual application filed by an Owner(s). The administrative fee shall be retained by the County from increment proceeds before making ~~any~~the rebate distribution to the City.~~—~~

Timing of Annual Tax Rebate Payment:~~—~~ Provided the Owner(s) is in conformance with this Plan, has submitted a complete Annual Application for Tax Rebate, and the Annual Application for Tax Rebate has been approved by the City's Economic Development Coordinator, or the City Commission, then upon payment of taxes by the Owner(s), the rebate shall be made within 30 days after the next distribution date by Douglas County, as specified in K.S.A. 12-1678a, and amendments thereto.

Part 12 Other Requirements

1. This Plan and tax rebate program are subject to approval of each taxing unit (City Commission, Douglas County Commission, and USD 497).~~—~~The participating taxing units will enter into a cooperative agreement concerning the implementation of this Plan and the payment of tax rebates.
2. The Developer shall submit a Property Construction Commencement form to the City, signed by the Douglas County Appraiser, before it commences any pre-construction or construction activities in the Area.~~—~~The Property Construction Commencement form is attached hereto as Exhibit C, and incorporated herein by reference. ~~—~~The City acknowledges and agrees that the Base Property Value shall be based upon the 2016 appraised value determined by the Douglas County Appraiser, as the same is verified on Exhibit C.

3. The Developer shall, within 10 days of completing the Project, submit to the City a Certificate of Project Completion, attached hereto as Exhibit D and incorporated herein by reference.
4. Construction or redevelopment activities must be located in the Area and begin after the effective date of the Ordinance establishing the Area, or after the Base Property Value Determination date, whichever occurs later, to be eligible for a rebate.
5. The City's obligation to rebate any increment in ad valorem property taxes under this Plan shall be limited to monies in the NRA fund.—In no event shall the City be obligated to cover such rebates from other City funds.
6. Some improvements regardless of cost may not result in an increase in assessed value and thus would not make the property eligible for a property tax rebate.—Such determinations will be made solely and independently by the Douglas County Appraiser's Office and the Douglas County Clerk.

The County Appraiser shall conduct an on-site appraisal as a part of the normal valuations following completion of the Improvements and determine the increase in the taxable valuation due to the Improvements.—On or before December 1st of each calendar year, the City shall notify the County Appraiser, in writing, of each property in the Area for which Improvements have been completed so that the County Appraiser may conduct on-site inspections as a part of the normal valuations to determine the increase in taxable valuations due to the Improvements.—The County Appraiser will notify the City and the County Clerk of the valuation.
7. If this Plan is repealed or the rebate criteria changed, any approved applications shall be eligible for rebates for the remaining Term of the rebate originally provided in the plan.
8. The Developer shall keep proper books of record and account, in which full and correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the Developer related to the Project or this Plan in accordance with generally accepted accounting principles.—At reasonable times and upon reasonable prior written notice, the Developer agrees to allow representatives and agents of the City or Douglas County to inspect all books and records, invoices and other financial information related to the NRA incentive.
9. To the extent either party determines that the other has failed to comply with any term of this Plan, such party shall provide written notice to the other party, and said party shall be provided thirty (30) days after the receipt of such notice to comply with the terms of this Plan."

Exhibit A
A Map depicting existing parcels of real estate in Neighborhood Revitalization Area





Exhibit B

Annual NRA Rebate Application & Compliance Certification

Please fill out the below and submit along with a copy of all applicable receipts, records and supporting documents.

Submit Application to: City of Lawrence
Economic Development, City Manager's Office
6th East 6th Street, Lawrence, KS- 66044

Annual NRA rebate requested for property taxes levied in:

Project: 826 Pennsylvania Street NRA

Address: 826 Pennsylvania Street, Lawrence, KS- 66049

Pin #: 023-079-31-0-10-09-004.00-0

Plate#: U00097A

Legal Address: Lot 3, 8th and Pennsylvania Neighborhood Redevelopment Addition No. 3, a
Minor Subdivision Replat of Lots 1 and 2, Block "A" of 8th and Pennsylvania
Neighborhood Redevelopment, in the City of Lawrence, Douglas County,
Kansas

Owner Name: _____

Owner Address: _____

Phone: _____

Email: _____

Company Rep: _____

Title: _____

Phone: _____

Email: _____

CERTIFICATION

The undersigned Owner(s) does hereby certify to the City of Lawrence, Kansas (the "City") that the information contained within this application is true and correct and the project has met the below requirements as of the date hereof:

1. The Owner(s) is in compliance with the terms of the Neighborhood Revitalization Act Plan for the 826 Pennsylvania Street NRA.
2. The Owner(s) is entitled to the rebate of the increment in ad valorem property taxes levied pursuant to the terms of the Neighborhood Revitalization Plan for the 826 Pennsylvania Street NRA in connection with the Project and the Neighborhood Revitalization Act.
3. Owner(s) has paid all real estate taxes levied against the above property. *
**Attach a copy of tax payment receipts for the applicable calendar year of rebate.*
4. Owner has met affordable housing compliance during the _____ calendar year by providing two, 1-bedroom residential units that met 826 Pennsylvania Street NRA Plan affordable housing requirements as indicated below:

<u>Affordable Housing Compliance</u>				
<u>Tenancy</u>	<u>Unit #</u>	<u>Tenant Meets AH Eligibility (Y/N) *</u>	<u>Monthly Rent + Utilities</u>	<u>Rent Meets AH Criteria (Y/N) **</u>
Tenant 1		—	\$	—
Tenant 2		—	\$	—

**For applicable rebate year, attach copies of LDCHA certification of eligibility for each tenant household occupying an affordable housing unit.*

*** For applicable rebate year, attach a copy of the Kansas Housing Resources Corporation's "Maximum Income and Rents to Qualify Units as Low Income for Low Income Housing Tax Credit Program" for Lawrence, Kansas MSA.*

Please attach any additional information you feel would help support annual compliance.

The undersigned has reviewed the provisions of K.S.A. 21-6004 and understands the penalties thereunder.

Owner Name: _____
----- (please print)

Signature: _____

Date: _____ **Exhibit B**
Application for Annual NRA Rebate &

**Certification of Rebate of Increment
in Ad Valorem Property Taxes
Page 1**

Please fill out the below application and submit along with a copy of all applicable tax payment receipts.

____ Submit Application to: _____ City of Lawrence, City Manager's Office;
____ Attn: Economic Development
____ 6th East 6th Street, Lawrence, KS 66044

____ With a copy sent to: _____ Douglas County, Kansas, Attn: Treasurer's Department
____ 1100 Massachusetts St., Lawrence, KS 66044

Project: _____

Owner(s): _____

Owner(s) Address: _____

Parcel ID #: _____

Property Legal Address: _____

Annual Rebate Requested: _____ Rebate on property taxes levied in

(Y/N) The Owner(s) has paid, at the time Application for Rebate is made, all real estate
taxes levied against the Property on which the Project is located

**Please attach a copy of tax payment receipts for the
calendar year in which the rebate is requested.**

(If applicable, also include payment receipts for any past due property taxes.)

Application Prepared by: _____

Title: _____

Address: _____

Email: _____

Phone: _____

The above information is correct, to the best of my knowledge. _____

Signature: _____ Date: _____

Note: Rebates are given only after property taxes are paid in full.

Exhibit B
Annual Application for Tax Rebate
Page 2

CERTIFICATION

The undersigned Owner (s) does hereby certify to the City of Lawrence, Kansas (the "City") that the following information is true and correct as of the date hereof:

1. — The Owner(s) is in compliance with the terms of the Neighborhood Revitalization Act Plan for the Vermont Place NRA.
2. — The Owner(s) is entitled to the rebate of the increment in ad valorem property taxes levied pursuant to the terms of the Neighborhood Revitalization Plan for the Vermont Place NRA in connection with the Project and the Neighborhood Revitalization Act.
3. — The undersigned has reviewed the provisions of K.S.A. 21-6004 and understands the penalties thereunder.

_____ Owner(s):

_____ By: _____

_____ Printed Name: _____

_____ Title: _____

By: _____

_____ Printed Name: _____

_____ Title: _____

Note: Rebates are given only after property taxes are paid in full.



Exhibit C
Property Construction Commencement

The Owner(s) shall notify the City Manager and County Appraiser prior to commencement of project construction/redevelopment activities by submitting a signed copy of this form.—The Owner(s) shall provide any information concerning the Project that may be helpful to the County Appraiser in the valuation process.

Project: _____
Parcel ID #: _____
Property Legal Address: _____

To be Completed by the County Appraiser:

Date of Appraisal: _____ Base Year: _____
Assessed Valuation: Land: _____
Improvements: _____
Total: _____
County Appraiser Signature: _____ Date: _____

To be Completed by the Property Owner(s):

Name: _____
Address: _____
Title: _____
Email: _____ Phone: _____
Signature: _____ Date: _____

Submit form to: City of Lawrence, City Manager's Office, Attn: Economic Development
6th East 6th Street, Lawrence, KS—66044

With a copy sent to: Douglas County, Kansas, Attn: County Appraiser
1100 Massachusetts St., Lawrence, KS—66044



Exhibit D
Certification of Project Completion

Please fill out the below certificate of completion and submit within 10 days of the conclusion of project construction.

Submit Application to: City of Lawrence, City Manager's Office,
Attn: Economic Development
6th East 6th Street, Lawrence, KS—_66044

With a copy sent to: Douglas County, Kansas, Attn: Appraiser's Office
1100 Massachusetts St., Lawrence, KS—_66044

Project: _____
Developer's Name: _____
Developer's Address: _____
Parcel ID #: _____
Property Legal Address: _____

Contact Information:

Company Contact(s): _____
Contact Address: _____
Contact Phone: _____
Contact Email: _____

Property Information:

Date of construction start (include copy of building permit receipt):—_____
Date of construction end (include copy of certificate of occupancy):—_____
Estimated cost of project improvements:
Land: _____
— _____
Building (include soft and hard costs): _____
Total Project Cost: _____

I certify that the above information is correct.

Owner's Signature— _____ Date— _____

LAWRENCE DOUGLAS COUNTY HOUSING AUTHORITY

PROPOSAL FOR SERVICES

Income Eligibility Determinations

OVERVIEW

Lawrence Douglas County Housing Authority (LDCHA) is pleased to submit this proposal for services to support the income eligibility for entities that need to certify to the City of Lawrence the income of a tenant household for compliance with affordable housing eligibility requirement of the Economic Development Policy.

OUR PROPOSAL

The LDCHA will follow standard HUD policies in compliance with the HOME Investment Partnership program (HOME) to determine the income of tenants whose income documentation is submitted.

Cost: The LDCHA will perform this service for **\$25 per hour**.

Project Deliverables

Following is a complete list of all project deliverables:

Deliverable	Description
Deliverable #1	Collection of documents from household or landlord
Deliverable #2	Provision of privacy notification and procurement of releases from all adult members of tenant household
Deliverable #3	Run Enterprise Income Verification (EIV) in accordance with HUD guidelines
Deliverable #4	Employment verification with employer
Deliverable #5	Calculate income according to HOME regulations
Deliverable #6	Produce certification of each household's income delivered to City and landlord

Timeline for Execution

LDCHA estimates it will take an average of 2 hours to certify the eligibility of each tenant household.

Billing and Payment

1. The landlord will be billed directly by Douglas County Housing, Inc., an affiliate of LDCHA.
2. Payment will be made to Douglas County Housing, Inc. within 30 days of an invoice being sent to landlord.

ORDINANCE NO. 9688

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING THE NEIGHBORHOOD REVITALIZATION PLAN,
DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA,
AND ESTABLISHING A REVITALIZATION FUND FOR
826 PENNSYLVANIA STREET, LAWRENCE, KANSAS, UNDER
THE KANSAS NEIGHBORHOOD REVITALIZATION ACT OF
1994, CODIFIED AS AMENDED AT K.S.A. 12-17,144 *ET SEQ*,
AND REPEALING ORDINANCE NO. 9304.**

WHEREAS, on November 15, 2016, pursuant to the Kansas Neighborhood Revitalization Act of 1994, codified as amended at K.S.A. 12-17,144 *et seq.* ("the Act"), the Governing Body passed City of Lawrence, Kan., Ord. No. 9304, adopting a neighborhood revitalization plan, designating a neighborhood revitalization area, and establishing a fund to finance the revitalization and redevelopment of the "826 Pennsylvania Street Neighborhood Revitalization Area."

WHEREAS, the City and the owner of the "826 Pennsylvania Street Neighborhood Revitalization Area" now wish to amend and revise the Revitalization Plan to clarify certain conditions related to the provision of affordable dwelling units within the Revitalization Area.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The Governing Body hereby adopts the Revised Neighborhood Revitalization Plan for 826 Pennsylvania Street ("Revised Revitalization Plan"), attached hereto as Exhibit A and incorporates the same herein by reference.

SECTION 3. The Governing Body has determined that that real property, commonly known as 826 Pennsylvania Street, Lawrence, Douglas County, Kansas, and legally described as

Lot 3, 8th and Pennsylvania Neighborhood Redevelopment
Addition No. 3, a Minor Subdivision Replat of Lots 1 and 2, Block
"A" of 8th and Pennsylvania Neighborhood Redevelopment, in the
City of Lawrence, Douglas County, Kansas,

constitutes an area which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquencies exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability, and is detrimental to the public health, safety, or welfare in its present condition and use. Accordingly, pursuant to the Act, the Governing Body hereby designates that real property, legally described above, as the "826 Pennsylvania Street Neighborhood Revitalization Area" ("the Revitalization Area").

SECTION 4. The Governing Body hereby creates, pursuant to K.S.A. 12-17,118, a Neighborhood Revitalization Fund in order to finance the redevelopment of the Revitalization Area and to provide a rebate of property tax increments as scheduled in the Revised Revitalization Plan.

SECTION 5. Ordinance No. 9304 is hereby repealed in its entirety, it being the intent of the Governing Body that this ordinance supersede that ordinance.

SECTION 6. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of July, 2019.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NRA Introduction & Proposed Plan Revisions

What are NRAs?

Neighborhood Revitalization Area

- An economic development tool authorized by the State for revitalization projects
- Can be a single parcel or entire neighborhood/area

What are NRAs used for?

NRAs can be used to spur revitalization in disinvested areas to:

- Increase safety & welfare
- Correct site issues or title problems
- Increase property productivity
- Save historic properties

Who can participate in an NRA?

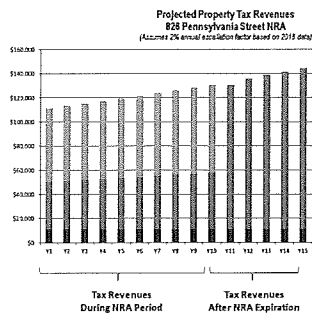
City, County, School District

- Each taxing jurisdiction separately decides if they want to participate in the NRA— if so, for how long and at what % of rebate

How do they work?

Property Tax Rebate Program

- Base value is shielded from rebate—taxing jurisdictions still get the same tax revenues they would have if property had not been improved
- Increase in value due to improvements is subject to rebate, based on the % of rebate and duration period authorized
- In 2018, 15% increase in taxing revenues realized by the taxing jurisdictions for properties eligible for rebate.



NRA projects have averaged 15% more in property tax revenues for the City, County, and School District, after rebates are given, compared to if the properties had not been improved.

2018 Actuals for properties within 828 Pennsylvania Street NRA. 2019-2025 Projected Tax Revenues for properties within 828 Pennsylvania Street NRA.

Current NRAs

2018 NRAs: Active						
NRA	Project	District Established	City	% Complete	Duration	First NRA Tax Year
826 Pennsylvania Street District	120 E 9th Street	Apr. 2017	832	95%	Based on future needs	2018
1340 Vermont	Thompson Arts District	Apr. 2018	805	Completed	12 years	2015
1111 12th Pennsylvania	200 E. 12th St. Gateway	Jul. 2012	833	95%	12 years	2014
1126 Nevada Street	Henry & Nevada City	Aug. 2014	922	100%	12 years	2016
1121 Indiana	17 Michigan Street Housing	Aug. 2014	921	100%	12 years	2016
900 Delaware	1200 12th	Oct. 2016	900	100%	18 years	2016
826 Pennsylvania Street	120 Pennsylvania Street	Nov. 2018	924	80% Complete, 80% City, and 20% City and 80%	12 years	2018

826 Pennsylvania Street NRA

Historic Warehouse Arts District Revitalization

- NRA Plan authorized November 2016, prior to current ED policy (adopted January 2017)
- Converted vacant, historic SeedCo building into mixed use restaurant and residential space
- Required, two, 1-bedroom affordable housing units

Proposed Plan Revisions

Administrative clarification for compliance with the City's affordable housing requirements:

- Clarifies tenant eligibility and certification requirements
- Updates compliance reporting form to align with requirements
- Addresses potential pro-ration of rebate based on minimum occupancy period
- Edited for format consistency

Actions to Date

- 5-7-19: City Commission received and referred item to the Affordable Housing Advisory Board (AHAB) & the Public Incentives Review Committee (PIRC) for recommendation.
- 5-13-19: AHAB recommended Plan changes 10-0 (2 recusals)
- 6-11-19: PIRC recommended Plan changes 6-0 (1 recusal)
- 7-2-19: City Commission considered proposed changes and voted 5-0 to approve changes by adopting Ordinance # 9688 on first reading.

Action Requested

- Receive AHAB and PIRC recommendations
- Vote to approve proposed Plan changes, if appropriate.

Questions?

City of Lawrence
 Britt Crum-Cano
 Economic Development Administrator
 Email: bcano@lawrenceks.org
 Webpage: www.lawrenceks.org/ed/



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KB*

Date : July 3, 2019

Re : Approval for construction of ADA-accessible trail in Ivan Boyd Prairie Preserve

Roger Boyd is working with the Santa Fe Trail Society (Santa Fe, NM) and the National Park Service on developing an ADA-accessible trail on the Ivan Boyd Prairie Preserve in the southeast quadrant of US-56 highway and E 2000 Road. This property is owned by Douglas County, and has very prominent ruts from the Santa Fe Trail as one of its features. The bicentennial of the Santa Fe Trail is in 2021, and it is desired to have the new trail in place at that time.

Dr. Boyd wishes to inform the BoCC of the planned trail and seek its approval for constructing the trail on Douglas County property. He also inquired if this department could install a pipe culvert and required fill in a drainage way that the trail will cross. He indicated this would be this department's only direct involvement in the trail project. As this is Douglas County property, and this will be a public trail, we feel it is appropriate that this department installs the culvert. This department will also need to provide engineering design services for the culvert installation,

Action Required: Approve the construction of an ADA-accessible trail on Ivan Boyd Prairie Preserve, and authorize Public Works to assist by installing a culvert and related fill.



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
splinsky@douglascountyks.org

Sarah Plinsky
Interim County Administrator

Memorandum

Date: July 10, 2019

To: Douglas County Board of County Commissioners

From: Sarah Plinsky, Interim County Administrator

Subject: County Administrator's Weekly Report

Schedule Items

- Douglas County Farm Bureau Shelter Ribbon Cutting
 - July 27th, 2019 at 11:00 AM at the Douglas County Fairgrounds

Information Items

- Senior Resource Center Board of Directors – Minutes for April 2019 Meeting. Attached are the minutes for the April 2019 SRC Board of Directors meeting.
- Register of Deeds - Deposits for May 2019. Attached are the receipts for all fees collected and paid to the Douglas County Treasurer, which includes the activity report and the general ledger.
- Freedom of Information Officer and Kansas Open Records Requests. As of July 1, 2019, I have moved Freedom of Information Officer duties to Karrey Britt. When this position was created, it was envisioned that these duties would move from the Assistant County Administrator to the Communications Specialist position. I will be helping Karrey with routing and responding to these requests, as needed. Our website has been updated accordingly.

Open Appointments

- Community Corrections Board Advisory Board (Social Services) - (1) position open
- Douglas County Food Policy Council (Local food system/Ag Producer) - (2) positions open
- JAAA Advisory Council - (1) position open
- JAAA Board of Directors - (1) position open
- Lawrence-Douglas County Advocacy Council on Aging - (10) open positions



**RIBBON
CUTTING**

YOU ARE INVITED!

JULY 27th, 2019 11:00am

Douglas County Fairgrounds

The Douglas County Farm Bureau Board of Directors worked tirelessly for 2 years on this shelter donation project. We invite you to join us for a short ribbon cutting and tour of the shelter on the date and time above.

Please RSVP to: douglasfb@kfb.org

Senior Resource Center for Douglas County, Inc. Board Meeting Minutes – April 23, 2019

Location: Peaslee Tech

Present: Sally Brandt, Eileen Cain, Mary Kay Digby, Stephan Evans, Doni Mooberry, Janet Prestoy, Sarah Randolph, John White, Megan Poindexter

Absent: Kay Brada, Carol Bowen

Janet Prestoy called the meeting to order at 4:40pm

Janet asked the board to review the minutes from the March board meeting. Eileen made a motion to approve the minutes and the motion carried unanimously.

Mary Kay reported that a draft of a calendar of Board actions would be sent to everyone by email. She will be asking the committee chairs to let her know of additions or corrections to the calendar. Also, the Governance committee continues their work on a Policies and Procedures manual for the Board.

Megan highlighted the following from the Executive Director's Report:

Megan met with Sarah Plinsky from the County Commission. Sarah said the SRC request for funding was appropriate and if Megan presents to the Commission; she will be asked to talk about our partnerships and collaborations with other entities in Douglas County.

Megan had a very good meeting with the health care coordination team from LMH. They are interested in working with SRC on transportation issues. She was also present at an Association of Neighborhoods meeting where she talked about the need for neighbors to watch out for their elderly neighbors.

Doni presented the financial statements for March 2019. She pointed out that some line items will appear unusual, but this is due to timing issues and will balance out in the future. The audit will begin on June 10. An operational decision was made to move our financial records to a server housed at Mooberry Financial where they have QuickBooks Accounting and excellent security. The Board recognized the Finance Committee of Doni, Ernesto, and Steve Tesdahl for their incredible dedication to financial oversight and monitoring and recording the SRC accounting procedures. Sarah made a motion to receive the Financial report and it was passed unanimously.

There was a discussion about how to determine if potential Board members are a good match for the needs of SRC. Mary Kay suggested inviting them to be on a committee. Steve suggested inviting them to a Board meeting. Mary Kay also reminded the Board that we have a detailed Board member recruitment and vetting process.

Sarah reported for the Marketing and Development committee. She has put together a committee for the Community Open House at 745 Vermont Street and has some wonderful ideas.

Janet discussed the responses to her survey about the mission, vision and value statements. Janet adjourned the meeting at 5:50pm.

Respectfully submitted, Mary Kay Digby

Kay Pesnell

Register of Deeds

1100 Massachusetts St., Lawrence, KS 66044

(785) 832-5282

Daily Group Activity

From 06/03/2019 to 06/30/2019

All Users

Total Recording & Service Fees:	\$108,193.50
--	---------------------

Total Recording & Service Fees [Less Document & Special Fees]:	\$83,837.50
--	-------------

Total Special Fund Fees:	\$24,356.00
--------------------------	-------------

Activity Deposits

CASH [+]	\$291.00
----------	----------

CREDIT CARD [+]	\$996.00
-----------------	----------

ESCROW ACCOUNT [+]	\$1,452.83
--------------------	------------

ELECTRONIC TRANSFER [+]	\$99,558.00
-------------------------	-------------

CHECK [+]	\$5,895.67
-----------	------------

CASH DRAWER DEPOSIT TOTAL	\$6,186.67
----------------------------------	-------------------

CREDIT CARD TOTAL	\$996.00
--------------------------	-----------------

ESCROW ACCOUNT TOTAL	\$1,452.83
-----------------------------	-------------------

IRS [ACH] TOTAL	\$448.00
------------------------	-----------------

ELECTRONIC RECORDING TOTAL	\$99,110.00
-----------------------------------	--------------------

Activity Deposit Total:	\$108,193.50
--------------------------------	---------------------

Kay Pesnell

Register of Deeds

1100 Massachusetts St., Lawrence, KS 66044

(785) 832-5282

Daily Group Activity

From 06/03/2019 to 06/30/2019

All Users

RECORDING FEES & TAXES

Fee Code	Description	# of Filings	Indebtedness (\$)	Filing Fees (\$)
RECORDING FEES:				
Fee Code Group: RECORDING FEES				
AF.EI	Affidavit Equitable Interest	2		\$34.00
AF.MS	Affidavit	6		\$115.00
AG	Agreement	8		\$630.00
AR	Assign. of Rents	12		\$1,140.00
AS.MO	Mortgage Assignment	23		\$368.00
COURT	Court Document	2		\$177.00
D.1	Deed	355		\$9,779.00
D.TOD	Deed-Transfer on Death	25		\$477.00
DC	Death Certificate	18		\$540.00
DL	Declarations/Covenants	2		\$138.00
ES	Esmt-Easement	16		\$602.00
LN	Lien	1	\$853.20	\$30.00
ME	Memo	5		\$98.00
MM	Mortgage-Modification	8	\$80,778,182.50	\$513.00
MO	Mortgage	364	\$79,622,643.81	\$59,337.00
OR.1	Ordinance-Misc	1		\$30.00
PL.1	Plats	2		\$64.00
PL.BS	Plat - Survey	10		\$320.00
PL.CV	Plat-Certificate of Survey	1		\$32.00
PL.FDP	Plat-Development Plans	1		\$128.00
PL.LS	Plat-Lot Split	3		\$96.00
POA	Power of Attorney	14		\$420.00
PR.AR	Assign. of Rents- PT REL	5		\$101.00
PR.MO	Mortgage Partial Release	18		\$400.00
PR.MS	Miscellaneous Partial Release	2		\$47.00
REV	Revocation	1		\$30.00
RS.AR	Assign of Rents Release	15		\$346.00
RS.ES	Easement Release	1		\$43.00
RS.FL	Tax-Release Federal Tax Lien	6		\$192.00
RS.MO	Mortgage Release	348		\$5,648.00
RS.MOAR	Mortgage & Assignment of Rents Release	2		\$66.00
RS.MS	Miscellaneous Release	1		\$30.00
RS.SL	Tax-Discharge State Tax Lien	2		\$126.00
RS.U	UCC-2 Termination	7		\$105.00
U.1	UCC-1 Original Filing	5		\$75.00
U.CON	UCC-2 Continuation	4		\$60.00
U.FL	Tax-Federal Tax Lien	8		\$256.00
Fee Code Group Total:		1,304	\$160,401,679.51	\$82,593.00
Fee Code Group: HERITAGE TRUST FUND				
Heritage Trust Fu	1-Heritage Trust Fund	1,255		\$6,089.00
Fee Code Group Total:		1,255		\$6,089.00
Fee Code Group: CLERK TECHNOLOGY FUND				
Clerk Tech Fund	Clerk Tech Fund	1,255		\$3,044.50
Fee Code Group Total:		1,255		\$3,044.50
Fee Code Group: ROD TECH FEE				
ROD Tech Fund	ROD Tech Fund	1,255		\$12,178.00

Kay Pesnell

Register of Deeds

1100 Massachusetts St., Lawrence, KS 66044

(785) 832-5282

Daily Group Activity

From 06/03/2019 to 06/30/2019

All Users

Fee Code	Description	# of Filings	Indebtedness (\$)	Filing Fees (\$)
Fee Code Group Total:		1,255		\$12,178.00
Fee Code Group: TREASURER TECHNOLOGY FUND				
Treasurer Tech F	Treasurer Tech Fund	1,255		\$3,044.50
Fee Code Group Total:		1,255		\$3,044.50
RECORDING FEES Totals:				\$106,949.00
Recording Fees:				\$82,593.00
Special Fund Fees:				
	CLERK TECHNOLOGY FUND	\$3,044.50		
	HERITAGE TRUST FUND	\$6,089.00		
	ROD TECH FEE	\$12,178.00		
	TREASURER TECHNOLOGY FUND	\$3,044.50		
			Special Fund Fees Total:	\$24,356.00

:

Fee Code Group:

Fee Code Group Total:

Fee Code Group Total:

Totals:

Recording Fees:

Special Fund Fees:

RECORDING FEES & TAXES Totals:	1,304	\$160,401,679.51	\$106,949.00
---	--------------	-------------------------	---------------------

SERVICE FEES

Service Code	Description	Quantity	Service Fee (\$)
COMPACT DISK MEDIA	COMPACT DISK MEDIA	1	\$4.00
CopyFee	COPIES	212	\$606.00
ESCROW DEPOSIT	ESCROW DEPOSIT	3	\$229.00
IMAGES	IMAGE VIA EFT OR DISC	2	\$117.50
OVERPAYMENTFEE	OVERPAYMENTFEE	6	\$9.00
PLAT COPIES	PLAT COPY	32	\$195.00
REPORTS	WEEKLY REPORTS	16	\$80.00
webcopyfee2	Web Copy Fee 2	4	\$4.00
Service Fees Total:			\$1,244.50

Voids

Transaction #	Void Date	Void Amount (\$)
842311	6/3/2019 1:43 PM	(\$32.00)
842333	6/4/2019 8:21 AM	(\$335.00)
842377	6/4/2019 3:23 PM	(\$32.00)
842534	6/7/2019 9:15 AM	(\$224.00)
842660	6/11/2019 11:09 AM	(\$140.00)
842814	6/14/2019 10:21 AM	(\$20.00)
Void Total:		(\$783.00)



DOUGLAS COUNTY REGISTER OF DEEDS

1100 Massachusetts St.
P.O. Box 747
Lawrence, KS 66044
(785) 832-5282 Fax (785) 330-2807
www.douglascountyks.org

Kay Pesnell
Registrar

TO: DOUGLAS COUNTY COMMISSIONERS

FROM: KAY PESNELL, REGISTER OF DEEDS

DATE: July 01, 2019

SUBJECT: DEPOSITS FOR THE MONTH OF: **JUNE, 2019**
TOTAL DEPOSITED WITH THE TREASURER: **\$106,740.67**
TOTAL COLLECTED: **\$108,193.50**
(includes escrow transfers): **\$1,452.83**

The following is a copy of the receipts for all fees collected and paid to the Douglas County Treasurer.

Below is an itemized account of each fund for the month:

Recording & Service Fees:	\$83,837.50
Mortgage Registration Tax:	\$0.00
Heritage Trust Fund:	\$6,089.00
	\$0.00 Transferred to Recording

TOTAL Technology Fees:	\$18,267.00
------------------------	--------------------

Break Down by Department:

a. ROD Tech	\$12,178.00
b. Clerk Tech	\$3,044.50
c. Treasurer Tech	\$3,044.50

Amount of deposit paid through credit card or electronic transfer:	\$100,554.00
--	---------------------

Kay Pesnell

Register of Deeds

1100 Massachusetts St., Lawrence, KS 66044

(785) 832-5282

General Ledger Report

From 06/03/2019 to 06/30/2019

ALL USERS

Tender	GL	Account Name	Amount
CASH AND CHECKS	100-00000-42400	RECORDING FEE	\$4,646.00
	100-00000-42400	SERVICE FEES	\$87.67
	100-00000-42405	HERITAGETRUST	\$331.00
	603-00000-42100	CLERKTECH	\$165.50
	603-00000-42400	RODTECH	\$662.00
	603-00000-42550	TREASURERTECH	\$165.50
	707-00ES-42410	MISC ESCROW	\$129.00
Total:			\$6,186.67
CREDITONLINE	100-00000-42400	RECORDING FEE	\$334.00
	100-00000-42400	SERVICE FEES	\$474.00
	100-00000-42405	HERITAGETRUST	\$22.00
	603-00000-42100	CLERKTECH	\$11.00
	603-00000-42400	RODTECH	\$44.00
	603-00000-42550	TREASURERTECH	\$11.00
	707-00ES-42410	MISC ESCROW	\$100.00
Total:			\$996.00
ERECORDACH	100-00000-42400	RECORDING FEE	\$76,290.00
	100-00000-42405	HERITAGETRUST	\$5,705.00
	603-00000-42100	CLERKTECH	\$2,852.50
	603-00000-42400	RODTECH	\$11,410.00
	603-00000-42550	TREASURERTECH	\$2,852.50
Total:			\$99,110.00
ESCROW	100-00000-42400	RECORDING FEE	\$875.00
	100-00000-42400	SERVICE FEES	\$453.83
	100-00000-42405	HERITAGETRUST	\$31.00
	603-00000-42100	CLERKTECH	\$15.50
	603-00000-42400	RODTECH	\$62.00
	603-00000-42550	TREASURERTECH	\$15.50
Total:			\$1,452.83
IRS AGENT	100-00000-42400	RECORDING FEE	\$448.00
Total:			\$448.00
TOTALS	100-00000-42400	RECORDING FEE	\$82,593.00
	100-00000-42400	SERVICE FEES	\$1,015.50
	100-00000-42405	HERITAGETRUST	\$6,089.00
	603-00000-42100	CLERKTECH	\$3,044.50
	603-00000-42400	RODTECH	\$12,178.00
	603-00000-42550	TREASURERTECH	\$3,044.50
	707-00ES-42410	MISC ESCROW	\$229.00
Grand Total:			\$108,193.50